

Lectures

ON

Hindu Castes, Ceremonies, Customs and Inheritance,

BY

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No. XXIV.

SIR MUNGULDAS NATHOOBHOY.*

Few figures are better known in Bombay than that of Sir Munguldas Nathoobhoy, the head or sett of the Kapol Bania caste, and the local representative in all public matters of the whole Hindu community. His ancestors arrived here about fifty years after the cession of Bombay to the English, and ever since that time they have been prominently connected with the history of the city. They originally came from Ghogla, a village in the island of Diu in Kattyawar, his great great-grand-father arriving in Bombay about a hundred and fifty years ago, when our present flourishing city was a very insignificant place. The family rose to wealth and distinction with the growth of the city, and Sir Munguldas's grand-father, Sett Ramdas Manordas, is still remembered in local traditions as a distinguished Bombay Sett. His father, Sett Nathoobhoy Ramdas, died when his son was only eleven years old, leaving an important property in landed estates and houses.

Sir Munguldas, the subject of our present sketch, was born on the 15th October, 1832 (in the Samvat year 1888). He studied English for a few years at Mr. Mainwaring's school, and as he soon entered upon a very active business life, which

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* By Maclure and Macdonald, London, from photographs by Bourne and Shepherd, Bombay.

left little time for any definite plan of education, he engaged the services of a well-known English tutor to perfect his knowledge of the English language in his leisure hours. At the early age of eighteen he received his paternal estate from his guardians. Considerable, originally, it was small at that time as compared with what he made it by keen attention to details, good business habits, ready tact and honourable conduct. Sir Munguldas is now one of the largest landlords in Bombay, and it is greatly to his credit that his estates have been built up in a perfectly natural way, and that he was strong enough to abstain from those speculations in shares and cotton which proved the ruin of almost all the Bombay millionaires. While devoting himself with ardour and unusual capacity to the management and development of his own property, he very soon made himself known as a Hindoo reformer of a type quite new at that time : and even as a boy he had set afoot a movement, which resulted in stripping the Holi festival of the disgraceful customs and exhibitions that then distinguished it under the name and guise of religion.

He was married at the age of sixteen to Setthani Rukhminibai with a pomp and ceremonial that occasioned the expenditure of Rs. 30,000. By this marriage, which was a very happy one, he has three sons and two daughters, but his wife died after sixteen years of wedded life, and out of devotion to his children and her memory he formed the resolution, extremely uncommon in a Hindoo gentleman, of never marrying again. As we shall see, he sought to perpetuate her memory by a number of pious gifts and endowments. It is, indeed, as a liberal philanthropist that Sir Munguldas is now best known to the public.

In the year 1862 when he was only twenty years old, he assisted in establishing the Hindoo Boys' School in Bombay, founded under the patronage of the Students' Literary and Scientific Society. Next year he became a member of the

Bombay Branch of the Royal Asiatic Society and also of the Geographical Society. In 1859 he was made a Justice of the Peace, then a rarer honour than at present, and involving some share in the Municipal Government of the city. In 1860 he held at his bungalow in Girgaum a grand exhibition of the five Hindoo girls' schools, established like the boys' school abovenamed under the patronage of the Students' Literary and Scientific Society, and on that occasion Lord Elphinstone presided and distributed the prizes. A second exhibition was held in the same place two years later, when Sir Bartle Frere presided and Lady Frere examined the girls. In 1860, when the Income Tax was first established in Bombay, Sir George Russel Clerk, the Governor, appointed Sir Munguldas a Commissioner of the Income Tax. But Sir Munguldas was, however, unable to agree with his colleagues as to the mode in which the tax should be levied and had soon to resign the office. In 1863 he handed over to the University of Bombay the sum of Rs. 20,000 in 4 per cent. Government Securities, and founded in connection therewith a Travelling Fellowship for Hindoo Graduates. In 1864, when his wife Setthani Rukhminibai died, he founded in her memory a charitable dispensary at Kalyan, and erected a building there at a cost of Rs. 50,000 under the supervision of Government Engineers, and handed over to Government Rs. 20,000 to work the establishment. He also gave Rs. 3,000 to build a separate ward for helpless Hindoo women in the David Sassoon Infirm Asylum at Poona.

In 1866 he was for the first time appointed a member of the Legislative Council of Bombay, and was re-elected three several times in succession, a very unusual honour. When the state of his health compelled him to resign office in 1874, Government recognized his services in the following words, which are taken from a letter written to Sir Munguldas on the occasion:—" Government cannot allow your prolonged connec-

tion with the Legislative Council to come to a close without expressing the strong sense it entertains of the attention to business and devotion to the interests of the public by which your career has been strongly marked." In 1867 he had revived the Bombay Association, which was then in a dormant state, and was appointed president of that Political body. On the 1st May, 1872, His Excellency Sir Seymour FitzGerald, at that time Governor of Bombay, presented Sir Munguldas with the Insignia of the Most Exalted Order of the Star of India at Government House, Parell. In presenting the Insignia, His Excellency spoke as follows:—"Mr. Munguldas, when I received Her Majesty's Commission to recommend to her such gentlemen as I thought were deserving of the honour of becoming Companions of the Order of the Star of India it was with the greatest satisfaction that I submitted your name to Her Majesty, and that I learned that Her Majesty had been graciously pleased to accept of it. The independence of character displayed by you and the eagerness to serve your fellow-citizens in every manner had proved you to be worthy of this high honour, and it is with the greatest satisfaction that I present the insignia, and I hope you will be long spared to wear them."

We have no space here to refer at length to the active part Sir Munguldas has always taken in the affairs of his caste—the Kapol Banias. He was one of the prime movers in the famous Maharaj trial. In 1879 he introduced an important change in the constitution of the caste by making his castemen see the advisability of having a representative instead of an hereditary sett as heretofore, and that the aggregate body of the caste is itself the sole authority and the sett merely an elected officer of the caste. Last year he effected another change in the same direction by winning on behalf of his caste an expensive and protracted suit against Mr. Gopaldas Madhowdas, the former sett of the caste, when it was finally decided

that all property of the caste is to be disposed of according to the wishes of the majority.

An account of Sir Munguldas's career would scarcely be complete without a list of his public benefactions, and we have obtained the following list of the sums of money spent by him at various times in works of public charity :—

A sum of Rs. 10,000 in 1850 in completing the building of a Siv's temple in Walkeshwar, which was begun by his father in accordance with the precepts of the Hindu religion, but which work remained incomplete owing to his death	Rs.	10,000
A sum of Rs. 5,000 in 1851 in buying a lodging house to present it to a clerk of his then solicitor	,,	5,000
A sum of Rs. 49,500 from 1854 to 1872 in various institutions of the Educational Department	,,	49,500
A sum of Rs. 14,000 from 1859 to 1872 in various public subscriptions	,,	14,000
A sum of Rs. 11,000 in assisting the poor and helpless	,,	11,000
A sum of Rs. 74,500 for a charitable hospital and dispensary at Kalyan in giving gratuitously medicines to the poor in memory of his wife...	,,	74,500
A sum of Rs. 10,000 in the suscriptions raised for giving public honour to several famous personages	,,	10,000
A sum of Rs. 4,000 as patron to several libraries	,,	4,000
From 1873 upwards, to educational institutions...	,,	3,125
Famine Relief in Bengal and Deccan	,,	3,500

CHRONOLOGICAL TABLE OF THE STATUTES RELATING TO INDIA.

VOLUME I—UP TO THE END OF 1887

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	Remarks
1297	25 Edw 1, c 1	Magna Carta		See p 1
,,	25 Edw 1, c 29	Magna Carta		See p 1
1331	5 Edw 3, c 9	Unlawful attachment		See p 1
1354	28 Edw 3, c 3	Non condemnation without due process		See p 2.
1540	32 Hen 8, c 34	Grantees of reversions		See p. 2.
,,	32 Hen 8, c 38	Degrees of consanguinity	Rep as concerning pre-contracts 2 & 3 Edw 6, c 23, s 1	See p 4 Only the last clause of the Statute dealing with degrees of consanguinity is reproduced.
1551 2	5 & 6 Edw 6, c 16	The Sale of Offices Act, 1551	Ext throughout British Dominions, 49 Geo 3, c 126 Rep pt. (so far as regards the Revenue of Customs or Offices in the Service of the Customs), 6 Geo 4, c 105, s 10 ss 5, 6, rep (Eng) 26 & 27 Vict., c 125 (S L R)	See p 4 S 5 omitted as being spent and s 6 omitted as not being applicable to India.
1677	29 Chas II, c 3	The Statute of Frauds, ss 7 to 11		See p 6
1679	31 Chas II, c. 2	The Habeas Corpus Act, 1679	S 14 rep (E) 26 & 27 Vict c 125 (S L R.) S 19 rep 56 & 57 Vict., c. 61, s 2 (U K)	See p 7. Omitted as being spent.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected.	REMARKS.
1688	1 W & M, c 6	Coronation Oath		See p 14
1698	10 W 3, c 22.	Posthumous children	S 2 rep (U K) 30 & 31 Vict., c 59 (S L R)	See p 16 Omitted as being spent
,,	11 W 3, c. 12	Crime in plantations.		See p 17
1701	12 & 13 W 3, c 2	The Act of Settlement.	S 3 rep in pt. 4 & 5 Anne, c 20, ss 27, 28, 1 Geo 1, Sess 2, c 51, 7 & 8 Vict., c 66, s 1, 44 & 45 Vict., c 59, s 3 (S L R)	See p 18 The last paragraph of s 3 about the royal pardon not being pleadable to impeachment by the Commons and s. 4, confirming the laws of the realm, omitted as being inapplicable to India.
1702	1 Anne, c 2	Demise of the Crown	Ss 1-3 rep 30 & 31 Vict., c 59 (U K.) (S L. R)	See p 20 Omitted as being spent.
			S 5 rep pt. 30 & 31 Vict., c 59 (U K) (S L R)	Omitted as being spent.
			S 6 rep pt. 34 & 35 Vict., c 116 (U K) (S L R)	Omitted as being superseded by 1 Edw 7, c 5
			S 7 rep 30 & 31 Vict., c 59 (U K) (S L. R)	Omitted as being spent.
1707	6 Anne, c 41, s S	Demise of the Crown		See p 21 Only the portion relating to the Privy Council reproduced
1708	7 Anne, c 5	The Foreign Protestants' Naturalization Act, 1708	Whole, except part of s 3, rep 10 Anne, c 9	See p 22
1730	4 Geo 2, c 21	The British Nationality Act, 1730	S 3 rep (U K.) 30 & 31 Vict, c 59 (S L R)	See p. 22. Omitted as being partly spent and partly inapplicable to India.

STATUTES RELATING TO INDIA—*contd.*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected.	REMARKS
1770	10 Geo 3, c 47	The East India Company Act, 1770	S 1 rep 33 Geo. 3, c 52, s 146	See p 24
			S 3 rep (U K.) 50 & 51 Vict., c 59 (S L R)	Omitted as being obsolete and inapplicable to India
			S 5 rep (U K) 56 & 57 Vict, c 61	Omitted as being inapplicable to India.
			S 6 rep (U K.) 50 & 51 Vict., c 59 (S L R)	
			S 7 rep (U K.) 56 & 57 Vict, c 61	Omitted as being inapplicable to India
1772	13 Geo 3, c 21	The British Nationality Act, 1772	S 3 rep 34 & 35 Vict., c 48	See p 25
"	13 Geo 3, c 63	The East India Company Act, 1772	Rep pt. 24 Geo 3, Sess 2, c 25, s 47, 33 Geo 3, c 52, s 146 Ss 1—6 rep (U K.) 50 & 51 Vict., c 59 (S L R) S 9 rep pt. 33 Geo 3, c 52, s 146 Ss 9, 10 rep pt 55 & 56 Vict, c. 19 (S L R) S 11 rep (U K.) 50 & 51 Vict., c 59 (S L R) S 12 rep 55 & 56 Vict., c 19 (S L R) S 16 rep 55 & 56 Vict., c 19 (S L R), rep also (B I.) XIV of 1870 S 18 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) VI of 1874. S 19 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 S 20 rep (U K.) 50 & 51 Vict., c 59 (S L R), rep also (B I.) XIV of 1870	See p 27 Omitted as being obsolete and inapplicable to India

STATUTES RELATING TO INDIA—*contd.*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	Remarks
1772	13 Geo 3, c. 63—*contd*		Ss 21 & 22 rep (U K) 50 & 51 Vict, c 59 (S L R)	Omitted as being obsolete.
			S 26 rep 24 Geo 3, Sess 2, c 25, s 47, and 33 Geo 3, c 52, s 146	
			Ss 27—29 rep 24 Geo 3, Sess 2, c 25, s 47, and 33 Geo 3, c 52, s 146, rep also (B I) XIV of 1870	
			S 30 rep (U K) 50 & 51 Vict, c 59 (S L R), rep also (B I) XXVIII of 1855	
			S 31 rep (U K) 50 & 51 Vict., c. 59 (S L R), rep also (B I) XIV of 1870	
			S 32 rep 33 Geo 3, c 52, s 146	
			S 33 rep (B I) XIV of 1870	
			S 34 rep (U K) 50 & 51 Vict, c 59 (S L R), rep also (B I) X of 1875	
			S 35 rep (U K) 50 & 51 Vict., c 59 (S L R)	Omitted as being inapplicable to India
			S. 36 rep 55 & 56 Vict, c 19 (S L. R), rep also (B I) XIV of 1870	
			S 38 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) X of 1882	
			Ss 40 to 45 ext 22 & 23 Vict, c 21, s 16	
			S 46 rep 55 & 56 Vict., c. 19 (S L R)	
			S 47 rep (U K.) 50 & 51 Vict, c 59 (S L R)	
1780	21 Geo 3, c 70	The East India Company Act, 1780		See p 36
			Ss 9—16, 19—26, rep 55 & 56 Vict, c 19 (S L R), rep also (B I.) XIV of 1870	
			Ss. 27, 28 rep 35 & 36 Vict, c 63 (S L R)	

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected.	REMARKS
1784	24 Geo 3, Sess 2, c 25	The East India Company Act, 1784	Ss 1—63 rep 35 & 36 Vict, c 63 (S L R) S 84 rep (U K.) 50 & 51 Vict., c 59 (S L R) S 85 rep (U K.) 50 & 51 Vict, c 59 (S L R)	See p 40 Omitted as being spent
1786	26 Geo 3, c 57	The East India Company Act, 1786	S 29 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XI of 1872 S 30 rep 55 & 56 Vict, c 19 (S L R) S 31 rep 35 & 36 Vict, c 63 (S L R) Ss 32—35 rep 33 Geo 3, c 52, s 146 Ss 36, 37, rep 35 & 36 Vict, c 63 (S L R) S 38 rep in pt. 55 & 56 Vict, c 19 (S L R), rep also (B I) I of 1872 S 39 rep 55 & 56 Vict, c 19 (S L R)	See p 50
	26 Geo 3, c 62	The East India Company (Money) Act, 1783		Omitted as being probably spent
1788	28 Geo 3, c. 29	The East India Company (Money) Act, 1788		Ditto
1789	29 Geo 3, c 65	The East India Company (Money) Act, 1789		Ditto
1791	31 Geo 3, c 11	The East India Company (Money) Act 1791		Ditto
1793	33 Geo 3, c 47.	The East India Company (Money) Act, 1793.		Ditto

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected.	REMARKS
1793	33 Geo 3, c 52.	The East India Company Act, 1793	Rep in pt 24 & 25 Vict, c 54, s. 7, mod. XI of 1876, s 66	See p 67
			Ss. 1—18 rep (U K.) 50 & 51 Vict, c 59 (S L R)	Omitted as being inapplicable to India
			S 20 virtually rep in pt. 53 Geo 3, c. 155, s 74.	
			Ss 21, 23 rep (U K.) 50 & 51 Vict., c 59 (S L R)	Ditto
			Ss 24, 25, rep in pt. 56 & 57 Vict, c 62	
			S 25 rep in pt 56 & 57 Vict, c 62	
			S 26 rep (U K.) 50 & 51 Vict., c. 59 (S L R)	Ditto
			S 28 rep (U K.) 50 & 51 Vict, c 59 (S L R), rep also (B I) XII of 1873	
			S 32 rep in pt 55 & 56 Vict., c 19 (S L R), and 56 & 57 Vict, c 62	
			S 39 mod. (B I) II of 1834	
			S 53 rep 2 & 3 Geo 5, c 6, s 4 & Sch Part II	
			S 56 rep 24 & 25 Vict, c 54, s. 7	
			S 57 rep 2 & 3 Geo 5, c 6, s 4 & Sch Part II.	
			S. 58 rep (U K) 50 & 51 Vict, c 59 (S L R)	
			Ss 59, 60 rep (U K.) 50 & 51 Vict, c 59 (S L. R)	Omitted as being inapplicable to India.
			S 61 rep (U K.) 50 & 51 Vict., c 59 (S L. R), rep also (B L) XIV of 1870	
			S 67 rep (B I) XI of 1872	Reproduced as not having been repealed as to U K.

STATUTES RELATING TO INDIA—*contd*

Year.	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1793	33 Geo 3, c 52—*contd.*		Ss 68, 69 rep (U K.) 50 & 51 Vict., c. 59 (S L. R)	Omitted as being spent or inapplicable to India
			S 70, mod 53 Geo 3, c 155, s 84.	
			Ss. 71—136 rep 35 & 36 Vict , c 63 (S L R)	
			S 137 rep pt (B I) Act XIV of 1870	
			Ss 138, 139 rep 35 & 36 Vict , c 63 (S L R)	
			S 140 rep pt (B I.) Act XIV of 1870	
			Ss 142—150 rep 35 & 36 Vict , c 63 (S L R)	
			S 151 rep pt 47 Geo 3, Sess. 2, c 68, s 6 , rep also (B I) II of 1869	
			S 152 rep (U K.) 50 & 51 Vict., c 59 (S L R), rep also (B I) II of 1869	
			Ss 153, 154 rep (U K) 50 & 51 Vict , c 59 (S L. R), rep also (B I) X of 1875	
			S 155 rep (U K) 50 & 51 Vict , c 59 (S L R), rep also (B I) XIV of 1870	
			S 157 rep 55 & 56 Vict , c 19 (S L R), rep also (B I) IV of 1871	
			S 158 rep (U K.) 50 & 51 Vict , c. 59 (S L R)	Omitted as being inapplicable to India.
			S 159 rep (U K.) 50 & 51 Vict , c 59 (S L R), rep also (B I) XIV of 1870	
			S 160 rep (U K.) 50 & 51 Vict , c 59 (S L R)	Ditto
			S 161 rep (U K) 4 & 5 W 4, c 33	Ditto
			S 162 rep (B I) IX of 1871	
			S 163 rep (U K.) 50 & 51 Vict , c 59 (S L R)	Ditto

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	Remarks
1794	34 Geo 3, c 41	The East India Company (Money) Act, 1794		See p 89
1797	37 Geo 3, c 142	The East India Act 1797	S 1 rep 55 & 56 Vict, c 19 (S L R) S 2 rep in pt 55 & 56 Vict, c 19 (S L R) S 3 rep 55 & 56 Vict, c 19 (S L R) Ss 4—8 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 Ss 9, 10 rep 55 & 56 Vict, c 19 (S L R) S 15 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 S 16 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) VI of 1874 Ss 17—26, 30, rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870	See p 90
1800	39 & 40 Geo 3, c 79	The Government of India Act, 1800	S 4 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 S 5 rep in pt 55 & 56 Vict, c 19 (S L R) S 6 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 S 8 rep (B I) XIV of 1870 Ss. 10, 11 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 S 12 rep in pt 55 & 56 Vict, c 19 (S L R) Ss. 13—16 rep 9 Geo 4, c 74, s 126	See p 93

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1800	39 & 40 Geo 3, c 79—*contd*		Ss 17—19, 21—24 rep 55 & 56 Vict, c 19 (S L R), rep also (B I) XIV of 1870 S 25 rep 57 & 58 Vict, c 39, s 5	
1802	42 Geo 3, c 85	The Criminal Jurisdiction Act, 1802	S 6 rep in pt (U K) 56 & 57 Vict, c 61, s 2, rep also (B. I) XII of 1873	See p 100
1809	49 Geo 3, c 126	The Sale of Offices Act, 1809		See p 105
			S 1 rep pt (U K) 35 & 36 Vict, c 97 (S L R) Ss 7, 8 rep (U K) 35 & 36 Vict, c 97 (S L R) S 9 rep pt (U K) 35 & 36 Vict, c 97 (S L R)	Omitted as being obsolete and inapplicable to India
			S 12 rep (U K) 35 & 36 Vict, c. 97 (S L R)	Omitted as being inapplicable to India and also spent
			S 15 rep (U K) 35 & 36 Vict, c 97 (S L R)	Omitted as being spent
1811	51 Geo 3, c 64	The East India Company Bonds Act, 1811		See p 111
			Ss 1—3 rep 36 & 37 Vict, c. 91 (S L R) S 5 rep (U K) 50 & 51 Vict, c 59 (S L R)	Reproduced with note
1812	52 Geo 3, c 156	The Prisoners of War (Escape) Act, 1812		See p 113
1813	53 Geo 3, c 155	The East India Company Act, 1813	Ss 1—32 rep 36 & 37 Vict., c 91 (S L R) Ss 33 to 39 rep 37 & 38 Vict, c 35 (S L R) Ss 40, 41, 44 to 48 rep 36 & 37 Vict., c 91 (S L R) S 51 am 15 & 16 Vict, c 52, s 1	See p 114

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter.	Short title or subject.	How repealed or otherwise affected	Remarks
1813	53 Geo 3, c. 155—*contd.*		Ss 54 to 78, 80, 81, 83, 87, 88 rep 36 & 37 Vict, c 91 (S L R) S 89 rep in pt 41 & 42 Vict, c 79 (S L R) Ss 90—92, 95 rep 36 & 37 Vict., c. 91 (S L R) S 97 rep 53 & 54 Vict., c 33 (S L R), rep also (B I) XII of 1873 Ss 98 & 99 rep 53 & 54 Vict, c. 33 (S L R), rep also (B I) XIV of 1870 Ss 100—103 rep 53 & 54 Vict, c 33 (S L R), rep also (B I) X of 1895 S 104 rep 53 & 54 Vict, c. 33 (S L R), rep also (B I.) XIV of 1870 S 105 rep 53 & 54 Vict., c 33 (S L R), rep also (B I) X of 1882 S 106 rep 53 & 54 Vict, c 33 (S L R) S 107 rep 53 & 54 Vict, c 33 (S L R), rep also (B I) XI of 1836 Ss 108, 109 rep 53 & 54 Vict, c 33 (S L R), rep also (B I) XIV of 1870 S 110 rep 53 & 54 Vict, c. 33 (S L R) S 112 rep 36 & 37 Vict, c 91 (S L R), rep also (B I.) II of 1869 S 113 rep 36 & 37 Vict, c 91 (S L R), rep also (B I) XIV of 1870 Ss 114—120 rep 36 & 37 Vict, c. 91 (S L R) S 121 rep 36 & 37 Vict., c 91 (S L R), rep also (B I.) XII of 1873	

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1813	53 Geo 3, c 155—*concld*		S 122 rep 36 & 37 Vict, c 91 (S L R), rep also (B I) XIV of 1870 S 123 rep 37 & 38 Vict., c 35 (S L R), rep also (B I) XII of 1873 S 124 rep 53 & 54 Vict, c 33 (S L R), rep also (B I) IX of 1871 S 125 rep 36 & 37 Vict, c 91 (S L R)	
1815	55 Geo 3, c 84	The Indian Presidency Towns Act, 1815	The whole Act except s. 1 rep 36 & 37 Vict, c 91 (S L R)	See p 126
1819	59 Geo 3, c. 60	The Ordination for Colonies Act, 1819	Ss 2—5 rep 37 & 38 Vict, c 77 S 6 rep 36 & 37 Vict, c. 91 (S L R)	See p 127
1820	1 Geo 4, c 101	The Divorce Bills Evidence Act, 1820		See p 128
1823	4 Geo 4, c 71	The Indian Bishops and Courts Act, 1823	Ss 1, 2 rep 36 & 37 Vict, c 91 (S L R) S 3 rep in pt. 43 Vict, c 3, s 5 Ss 8—10 rep 36 & 37 Vict., c 91 (S L R), rep also (B I) XIV of 1870 Ss 12, 13 rep 53 & 54 Vict, c 33 (S L R) Ss 14—16 rep 36 & 37 Vict., c 91 (S L R), s 14 rep also (B I) XIV of 1870 S 18 rep 36 & 37 Vict, c 91 (S L R)	See p 130
,,	4 Geo 4, c 80	The Lascars Act, 1823	Rep except as to *lascars* etc 3 & 4 Will 4, c 93 Ss 1—24 rep 36 & 37 Vict, c. 91 S L R)	See p 133

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	Remarks
1823	4 Geo 4, c 80—*contd*		S 27 and in pt s 28 rep 57 & 58 Vict, c 60	
			Ss 29, 30 rep (U K) 54 & 55 Vict, c 67	Omitted as being inapplicable to India
			S 33 rep (U K) 56 & 57 Vict, c 61	Omitted as being obsolete
			S 34 rep 57 & 58 Vict, c 60	
1824	5 Geo 4, c 113	The Slave Trade Act, 1824		See p 136
			Ext 6 7 Vict, c 98 S 1 rep 36 & 37 Vict, c 88, s 30 Ss 2-9 rep pt (U K) 53 & 54 Vict, c 33 (S L R) S 9 rep pt (U K) 51 & 52 Vict c 57 (S L R) Ss. 10, 11 rep pt (U K.) 53 & 54 Vict, c 33 (S L R) S 12 in pt and ss 13—38, 41—46 and 48—82 rep 36 & 37 Vict, c 88, s 30	
1825	6 Geo 4, c 78	The Quarantine Act, 1825	Whole Act rep (U K.) 59 & 60 Vict, c 19, s 6 S 1 rep 36 & 37 Vict., c 91 (S L R)	See p 144 S 37 omitted as being inapplicable to India
"	6 Geo 4, c. 85	The Indian Salaries and Pensions Act, 1825	The whole Act, except s 4 in pt. and s 5 & in part s 15 rep 53 & 54 Vict., c 33 (S L R) S 5 rep in pt. 41 & 42 Vict., c 79 (S L R) and 51 & 52 Vict, c 57 (S L R) S 6 rep also (B I) XIV of 1870	See p 163

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter,	Short title or subject.	How repealed or otherwise affected	REMARKS
1826	7 Geo 4, c 56	The East India Officers' Act, 1826	Whole, except s 3 rep 36 & 37 Vict, c 91 (S L R)	See p 165.
1828	9 Geo 4, c 74	The Criminal Law (India) Act, 1828	Whole, except portion of s 1 and ss 7, 8, 9, 25, 26, 56 and 110 rep 53 & 54 Vict., c 33 (S L R), rep also (B I) X of 1875 S 110 rep except so far as in force in the Straits Settlements, 53 & 54 Vict, c 33 (S L R)	See p 166
1830	11 Geo 4, and 1 Will 4, c 46	The Illusory Appointments Act, 1830	Ext (B I) XXIV of 1841	See p 169
"	11 Geo 4, and 1 Will 4, c 47	The Debts Recovery Act, 1830	Ext (B I) XXIV of 1841	See p 170
"	11 Geo 4, and 1 Will 4, c 65	The Infants' Property Act, 1830	So much of this Act as relates to idiots, lunatics and persons of unsound mind or their property, rep, except so far as relates to Ireland, 16 & 17 Vict., c 70, s 1, rep so far as it relates to Ireland, S L R Act, 1873 Ext. (B I.) XXIV of 1841	See p 171
			S 1 rep (U K) 36 & 37 Vict, c 91 (S L R)	Omitted as being spent
			S 11 rep (U K.) 37 & 38 Vict, c 35 (S L R)	Omitted as being inapplicable to India
			S 12 rep in pt 37 & 38 Vict., c 35 (S L R)	
			Ss 13, 19 and in pt 21 rep (U K.) 36 & 37 Vict., c 91 (S L R)	Ditto

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1830	11 Geo 4, and 1 Will 4, c 65—*contd*		S 22 rep (U K) 37 & 38 Vict., c 35 (S L R)	Omitted as being inapplicable to India
			Ss 23—25 and in pt 26 rep (U K) 36 & 37 Vict, c 91 (S L R.)	Ditto
			Ss 27—30, 33, 34 rep (U K.) 36 & 37 Vict., c 91 (S L. R)	Ditto
			S 37 rep (U K) 37 & 38 Vict., c 35 (S L R)	Ditto
			S 38 rep in pt. (S L. R) Act, 1874	
			S 39 rep (U K) 37 & 38 Vict, c 35 (S L R.)	Ditto
			Ss 40—42 rep (U K) 36 & 37 Vict, c 91 (S L R)	Ditto
			S 43 rep (U K) 37 & 38 Vict, c 35 (S L R)	Ditto
,,	1 Will 4, c 4	The Colonial Offices Act, 1830	S 1 rep (U K.) 37 & 38 Vict., c 35 (S L. R)	See p 180 Omitted as being spent.
1831	1 Will 4, c 22	The Evidence on Commission Act, 1831	Ext. 22 & 23 Vict., c 21, s 16	See p 180
			Ss. 3—5, 8—11 rep (U K) 46 & 47 Vict., c 49, s 3, but see s 7	Omitted as being obsolete or inapplicable to India
1832	2 & 3 Will 4, c 53	The Army Prize Money Act, 1832	S 1 rep (U K.) 37 & 38 Vict., c 35 (S L R)	See p 182 Omitted as being spent. S 2 in part and s 29 in part and the whole of the residue omitted as being inapplicable to India.
1833	[1] 3 & 4 Will 4, c 15	The Dramatic Copyright Act, 1833	Am 51 & 52 Vict., c 17, s 1	See p 183

[1] The Act is repealed by the Copyright Act, 1911 (1 and 2 Geo 5, c 46) which will come into operation in British India when it is proclaimed see 1 and 2 Geo 5, c 46 ss 25, 37 (2) (*d*), 36 and the Second Schedule.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1833	3 & 4 Will 4, c 41	The Judicial Committee Act, 1833	S 1 am 50 & 51 Vict, c 70, rep pt 37 & 38 Vict., c 35 (S L R), 51 & 52 Vict, c 57 (S L R) S 2 rep 53 & 54 Vict, c 27, s 18 S 5 am and rep pt. 14 & 15 Vict, c 83, s 16 Ss 22 & 25—27 rep (U K) 24 & 25 Vict, c 101 (S L R) S 28 rep pt. 6 & 7 Vict, c 38, s 6 S 29 rep (U K) 38 & 39 Vict., c 66 (S L R) S 30 am 50 & 51 Vict, c 70	See p 185 Omitted as being inapplicable to India Ditto
„	3 & 4 Will 4, c 85	The Government of India Act, 1833	Made perpetual 16 & 17 Vict, c 95, s 1 Ext. 55 & 56 Vict., c 14, s 3 Ss 3—18 rep 37 & 38 Vict., c 35 (S L R) S 19 rep 53 & 54 Vict, c 33 (S L R) Ss 20—24, 26—35, 37 rep 37 & 38 Vict, c 35 (S L R) S 38 suspended, 16 & 17 Vict., c 95, s 15 S 40 rep 24 & 25 Vict, c 67, s 2 Ss 41 & 42 rep 37 & 38 Vict, c 35 (S L R) Ss 43 & 44 rep 24 & 25 Vict, c 67, s 2 S 48 rep pt. 53 & 54 Vict, c 33 (S L R) S 49 rep 33 & 34 Vict., c 3, s. 4 S 50 rep 24 & 25 Vict., c 67, s 2 Ss 53—55, 56 in pt, 58 & 60 rep 37 & 38 Vict., c 35 (S L R)	See p 191

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1833	3 & 4 Will 4, c 85—*contd*		S 61 rep in pt 24 & 25 Vict, c 67, s 2 S 62 rep in pt 2 & 3 Geo 5, c 6, s 4 & Sch Part II Ss 62, 63 am 9 Edw 7, c 4, s 4 S 63 rep in pt 56 & 57 Vict, c 62, s 2 S 64 rep 53 & 54 Vict, c 33 (S L R) S 66 rep 24 & 25 Vict, c 67, s 2 S 69 rep 53 & 54 Vict, c 33 (S L R) S 70 rep 24 & 25 Vict, c 67, s 2 S 71 rep 2 & 3 Geo 5, c 6 s 4 & Sch Part II S 72 rep 37 & 38 Vict, c 35 (S L R) Ss 74, 75 rep pt 53 & 54 Vict, c 33 (S L R) S 76 rep pt. 43 Vict, c 3, s 5 Ss 81—83, 85 rep 53 & 54 Vict, c 33 (S L R) S 88 rep (U K.) 51 & 52 Vict., c 57 (S L R)	
				Omitted as being obsolete
			S 91 rep 43 Vict., c 3, s 5 S 95 rep 53 & 54 Vict, c 33 (S L R) Ss 103—107 rep 16 & 17 Vict, c 95, s 36 Ss 108—111, 113—117 rep 37 & 38 Vict., c 35 (S L R)	
1834	4 & 5 Will 4, c 24	The Superannuation Act, 1834	Am 50 & 51 Vict, c 67 Preamble rep 51 & 52 Vict, c 57 (S L R) Ss 1—5 rep 32 & 33 Vict c 60, s 9 S 6 appld, 32 & 33 Vict, c 60, s 7, rep pt. 51 & 52 Vict., c 57 (S L R)	See p 206

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1834	4 & 5 Will 4, c 24—*contd*		S 7 rep 32 & 33 Vict, c 60, s 9	
			S 8 rep (U K) 37 & 38 Vict, c 35 (S L R)	Omitted as being inapplicable to India
			Ss 10, 11, 13—15, rep 22 Vict, c 26, s 1	
			S 16 rep 50 & 51 Vict, c 67, s 14	
			Ss 17, 19 & 24 rep 22 Vict, c 26, s 1	
			S 27 rep 20 & 21 Vict, c 37	
			S 28 in part and ss 29 and 31 and sch rep (U-K.), 37 & 38 Vict., c 35 (S L R)	Omitted as being inapplicable to India
1835	5 & 6 Will 4, c 52	The India (North-West Provinces) Act, 1835	Ss 1 and in part 2 rep 53 & 54 Vict, c 33 (S L R)	See p 210
"	5 & 6 Will 4, c 64	The Stamp Duties Act, 1835	Ss 1 & 2 rep (U K.) 33 & 34 Vict, c 99	See p 211 Omitted as being inapplicable to India
			S 3 rep (U K) 37 & 38 Vict., c 35 (S L R)	Ditto
			S 5 rep 23 & 24 Vict, c 5, s 2	
			S 6 rep (U K) 37 & 38 Vict., c 35 (S L R)	Ditto
			S 7 rep (U K.) 33 & 34 Vict., c 99	Ditto
			Ss 8 & 9 rep 32 & 33 Vict., c. 14, s 39	
			Ss 10—13 rep 43 & 44 Vict., c. 19, s. 4.	
			Ss 14—17 rep 32 & 33 Vict, c. 14, s. 39	
1837	7 Will 4 & 1 Vict., c 47	The India Officers' Salaries Act, 1837		See p 212
1840	3 & 4 Vict., c 105, ss 66, 67	The Debtors (Ireland) Act, 1840		See p 213

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	Remarks
1842	[1] 5 & 6 Vict., c 45	The Copyright Act, 1842		See p 214
			S 1 rep (U K) 37 & 38 Vict, c 96 (S L R)	Omitted as being spent and inapplicable to India
			S 13 rep pt (U K) 51 & 52 Vict., c 57 (S L R)	
			S 14 rep pt (U K) 56 & 57 Vict., c 14 (S L R)	
			Ss 16, 17 rep pt. (U. K) 51 & 52 Vict, c 57 (S L R)	
			S 26 rep (U K) 56 & 57 Vict, c 61, s 2	
			S 30 rep (U K) 37 & 38 Vict., c 96 (S L R)	Omitted as being spent
,,	5 & 6 Vict, c 119	The Indian Bishops Act, 1842		See p 227
1843	6 & 7 Vict., c 22	The (Colonies) Evidence Act, 1843		See p 228
			S 2 rep (U K) 37 & 38 Vict, c 96 (S L R)	Omitted as being spent.
,,	6 & 7 Vict, c 38	The Judicial Committee Act, 1843		See p 229
			S 1 rep (U K) 54 & 55 Vict., c 67 (S L R)	Omitted as being inapplicable to India
			Ss 2, 3 rep in pt 53 & 54 Vict., c 27, s 18	
			S 4 rep (U K) 37 & 38 Vict, c 96 (S L R)	Omitted as being spent.
			S 5 rep pt 53 & 54 Vict, c 27, s 18	
			S 6 rep (U K) 37 & 38 Vict., c 96 (S L R)	Ditto
			S 7 rep pt. 53 & 54 Vict, c 27, s 18	
			S 8 rep (U K.) 37 & 38 Vict., c. 96 (S L R)	Omitted as being obsolete
			Ss 9 & 10 rep in pt 53 & 54 Vict., c 27, s 18	
			S 11 rep pt (U K.) 37 & 38 Vict, c 96 (S L R)	
			S 12 rep pt 53 & 54 Vict., c 27, s 18	
			S 13 rep (U K) 42 & 43 Vict., c 59	Omitted as being inapplicable to India

[1] The Act is repealed by the Copyright Act, 1911 (1 and 2 Geo 5, c 46) which will come into operation in British India when it is proclaimed see 1 and 2 Geo 5, c. 46, ss 25, 37 (2) (*d*), 36 and the second Schedule.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter.	Short title or subject	How repealed or otherwise affected	Remarks
1847	10 & 11 Vict, c 62—*contd*		S 14 except in so far as it relates to a proceeding *under s 9 rep* (U K.) 55 & 56 Vict., c 19 (S L R)	
			S 15 rep (U K) 55 & 56 Vict, c 19 (S L R)	Omitted as being inapplicable to India
			S 17 rep (U K.) 38 & 39 Vict, c 66 (S L R)	Omitted as being spent
"	[1] 10 & 11 Vict., c 95	The Colonial Copyright Act, 1847	S 3 rep (U K) 38 & 39 Vict, c 66 (S L R)	See p 247 Omitted as being spent
1849	12 & 13 Vict., c. 25	The Portuguese Deserters' Act, 1849	S 2 rep in pt. 39 & 40 Vict, c 20, s 2	See p 248.
"	12 & 13 Vict., c. 96	The Admiralty Offences (Colonial) Act, 1849	S 2 rep 54 & 55 Vict, c. 67 (S L R) S 5 am and rep pt 23 & 24 Vict, c 88, s 1 and 44 & 45 Vict, c 59, s 3 S 6 rep 41 & 42 Vict, c 79 (S L R)	See p 249 S 4 is omitted as being inapplicable to India.
1850	13 & 14 Vict., c 26.	The Piracy Act, 1850	S 1 rep (U K) 38 & 39 Vict, c 66 (S L R)	See p 251 Omitted as being spent
			S 2 rep pt (U K.) 38 & 39 Vict, c 66 (S L R)	
			S 4 rep 38 & 39 Vict, c 66 (S L R)	Omitted as being inapplicable to India.
			S 5 rep pt (U K.) 38 & 39 Vict, c 66 (S L R)	
			S 7 rep 38 & 39 Vict, c 66 (S L R)	Omitted as being spent.
1851	14 & 15 Vict, c. 81	The Lunatics Removal (India) Act, 1851		See p 253

[1] This Act is repealed by the Copyright Act 1911 (1 and 2 Geo 5 c 46) which will come into *operation* in British India when it is proclaimed see 1 and 2 Geo 5, c 46, ss 25, 37 (2) (*d*), 36 and the Second Schedule.

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1851	14 & 15 Vict., c 83, s. 16	The Court of Chancery Act, 1851	Rep pt (U K.) 38 & 39 Vict., c 66 (S. L. R)	See p 256
1852	15 & 16 Vict., c. 12	The International Copyright Act, 1852	Am 38 & 39 Vict, c. 12 Ss 1—5, 8, 11 rep 49 & 50 Vict., c 33, s 12 Ss 12 & 13 rep 38 & 39 Vict, c 66 (S L R)	See p 257
"	15 & 16 Vict, c. 52	The Colonial Bishops Act, 1852	Ext. 16 & 17 Vict., c. 49	See p 259
1853	16 & 17 Vict, c 48	The Coinage (Colonial Offences) Act, 1853	S 2 rep pt. 55 & 56 Vict, c 19 (S L R)	See p 261.
"	16 & 17 Vict., c 49	The Colonial Bishops Act, 1853		See p 262
"	16 & 17 Vict., c 95	The Government of India Act, 1853	Am 55 & 56 Vict., c. 14, s. 3 S 1 rep 55 & 56 Vict, c 19 (S L R) Ss 2—14 rep 41 & 42 Vict., c 79 (S L. R) S 16 rep pt 55 & 56 Vict, c. 19 (S L R) S 18 rep 28 & 29 Vict, c. 17, s 3 Ss 20 & 21 rep 41 & 42 Vict, c 79 (S L R) Ss 22—24 rep 24 & 25 Vict, c 67, s 2. S 25 rep 41 & 42 Vict, c. 79 (S L. R) S 26 rep 24 & 25 Vict., c 67, s 2. S 28 rep 55 & 56 Vict, c. 19 (S L. R) Ss. 29—31, 33 & 34, 35 in pt & 36—43 rep 41 & 42 Vict, c. 79 (S. L. R)	See p 263

Chronological Table.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1853	16 & 17 Vict., c 107, s. 329	The Customs Consolidation Act, 1853		See p 266
1854	17 & 18 Vict., c 77	The Government of India Act, 1854	S 1 rep (U K) 55 & 56 Vict, c 19 (S L R) Ss 2, 6 rep 41 & 42 Vict, c 79 (S L R)	See p 267 Omitted as being obsolete
,,	17 & 18 Vict., c 80, s 58	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854	Am 10 Edw 7 & 1 Geo 5, c 32	See p 268
1856	19 & 20 Vict, c 113	The Foreign Tribunals Evidence Act, 1856	S 6, proviso rep 44 & 45 Vict., c 49	See p 269.
1858	21 & 22 Vict, c 3	The East India Loans Act, 1858	Ss 4, 6 rep pt (U K) 38 & 39 Vict., c 66 (S L R) S 7 rep (U K) 38 & 39 Vict, c 66 (S L R) S 10 rep 55 & 56 Vict, c 19 (S L R) S 11 rep 37 & 38 Vict, c 3, s 15	See p 271 Omitted as being probably obsolete
,,	21 & 22 Vict, c 106	The Government of India Act, 1858	Am 22 & 23 Vict., c 41 S 4 am 27 & 28 Vict, c 34 S 5 rep 41 & 42 Vict, c 79 (S L R) S 7 am 7 Edw 7, c 35, s 1 S 8 rep 41 & 42 Vict, c 79 (S L R) S 9 rep 55 & 56 Vict, c 19 (S L R) Ss 10, 13 am 7 Edw 7, c 35, ss 2, 3 S 14 rep 32 & 33 Vict, c 97, s 5 S 16 rep pt 55 & 56 Vict, c 19 (S L R)	See p 272

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1860	23 & 24 Vict, c. 88	The Admiralty Jurisdiction (India) Act, 1860	S 1 rep pt (U K) 38 & 39 Vict, c 66 (S L R)	See p 301
"	23 & 24 Vict, c. 89	The Superannuation Act, 1860		See p 302.
"	23 & 24 Vict., c. 100	The European Forces (India) Act, 1860	S 1 rep pt. (U K) 61 & 62 Vict, c 22 (S L R)	See p 302
"	23 & 24 Vict., c. 102	The East India Stock Act, 1860	Ss 1—5 rep (U K) 38 & 39 Vict., c 66 (S L R)	See p 303 Omitted as being inapplicable to India
"	23 & 24 Vict., c. 122	The Admiralty Offences (Colonial) Act, 1860		See p 304
"	23 & 24 Vict., c. 130	The East India Loan Act, 1860	S 13 rep 55 & 56 Vict, c 19 (S L R) S 14 rep 37 & 38 Vict, c 3, s 15	See p 304
1861	24 & 25 Vict, c 3	The Bank of England Act, 1861	S 4 rep pt. (U K.) 55 & 56 Vict, c 19 (S L R) The whole Act, except ss 4, 5, 9, 10 rep 55 & 56 Vict, c. 48, s 8	See p 307 Ss 4, 5, 9 omitted as being inapplicable to India
"	24 & 25 Vict, c 11	The Foreign Law Ascertainment Act, 1861		See p 308.
"	24 & 25 Vict, c 25	The East Indian Loan Act, 1861	S 14 rep 37 & 38 Vict, c 3, s 15	See p 310
"	24 & 25 Vict, c 54.	The Indian Civil Service Act, 1861	S 1 rep 55 & 56 Vict, c 19 (S L R)	See p 311
"	24 & 25 Vict., c 67	The Indian Councils Act, 1861	Am, 9 Edw 7, c 4. S 2 rep in pt 55 & 56 Vict., c 19 (S L R)	See p 313

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS
1861	24 & 25 Vict., c 67—*contd*		S 3 rep in pt. 41 & 42 Vict, c 79 (S L R), am 37 & 38 Vict, c 91, s 1 S 9 am, 33 & 34 Vict., c 3, s 3 S 10 rep pt 9 Edw 7, c 4. S 11 rep pt 9 Edw 7, c 4 S 13 rep 55 & 56 Vict, c 14, s 4 S 15 rep pt, 9 Edw 7, c 4. Ss 16 & in pt. 17 rep 55 & 56 Vict., c 19 (S L R) S 22 am. 55 & 56 Vict., c 14, s 3, 32 & 33 Vict., c 98, s 3, ext. 28 & 29 Vict, c 17, s 1, 32 & 33 Vict., c 98, s 1	

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1861	24 & 25 Vict, c 97, ss 42, 43 and 56 —*contd*		S 56 rep pt (U K) 56 & 57 Vict, c 54 (S L R)	
"	24 & 25 Vict., c 104	The Indian High Courts Act, 1861	S 1 rep 55 & 56 Vict., c 19 (S L R) S 2 am 1 & 2 Geo 5, c 18, s 1 Ss 3 and in pt. 5, and 6 rep 41 & 42 Vict, c 79 (S L R) S 8 rep pt. 55 & 56 Vict, c 19 (S L R) S 10 rep 28 & 29 Vict., c 15, s 1 S 16 am 1 & 2 Geo 5, c 18, s 2 S 17 rep (U K) 56 & 57 Vict., c 14 (S L R) S 18 rep 28 & 29 Vict., c 15, s 2	See p 329 Omitted as being spent.
"	24 & 25 Vict, c 114	The Wills Act, 1861		See p 333
	24 & 25 Vict, c 121	The Domicile Act, 1861		See p 334
1862	25 & 26 Vict., c 7	The India Stock Transfer Act, 1862	Preamble and in pt ss 2 to 15 rep (U K) 56 & 57 Vict, c 14 (S L R)	See p 336
"	25 & 26 Vict, c 20	The Habeas Corpus Act, 1862		See p 342
"	25 & 26 Vict, c 39	Red Sea and India Telegraph Company		See p 342
	[1] 25 & 26 Vict, c 68	The Fine Arts Copyright Act, 1862	Preamble & in pt s 8 rep (U K.) 56 & 57 Vict, c 14 (S L R)	See p 347

[1] Sections 1 to [illegible], section 8 in part and sections 9 to 12 are repealed by the Copyright Act, 1911 (1 and 2 Geo 5, c 46, s[illegible]) [illegible] shall come into operation in British India when it is proclaimed, see 1 and 2 Geo 5, c 46, [illegible] and the Second Schedule

Chronological Table.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1862	25 & 26 Vict, c 68—*contd*		S 12 rep 49 & 50 Vict, c 33, s 12, in so far as it incorporates any enactment repealed by that Act.	
1863	26 & 27 Vict, c 76	The Colonial Letters Patent Act, 1863	S 4 rep 38 & 39 Vict, c 66 (S L R) S 5 rep (U K) 56 & 57 Vict, c 4 (S L R)	See p 352
1864	27 & 28 Vict, c. 25	The Naval Prize Act, 1864	S 2 rep pt (U K) 56 & 57 Vict, c 14 (S L R) S 13 rep 57 & 58 Vict, c 39, s 3 (3) S 51 rep (U K) 56 & 57 Vict., c 61, s 2 S 56 rep (U K) 56 & 57 Vict, c 14 (S L R)	See p 353 Omitted as being spent
,,	27 & 28 Vict., c 50	India Stock Transfer	Rep (U K) 56 & 57 Vict, c 14 (S L R)	Omitted as being spent
,,	27 & 28	India Office Site		

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected.	REMARKS
1866	29 & 30 Vict., c 47	The Indian Prize Money Act, 1866	Ss 1, 2 rep pt (U K) 56 & 57 Vict, c 14 (S L R)	See p 375
„	29 & 30 Vict, c 109	The Naval Discipline Act	Ss 71 and 77 rep 47 & 48 Vict, c 39, s 8 Ss 23, 47, 48, 52, 53 am 9 Edw 7, c. 41 S 53 (4) am 54 & 55 Vict., c 69, s 1 Ss 56, 58 am 9 Edw 7, c 41 Ss 56, 58 rep pt and am 47 & 48 Vict, c 39 Ss 62, 63, 66, 70 am 9 Edw 7 c 41 Ss 70 am and 71 rep 47 & 48 Vict., c. 39 Ss 72, 73, 74 am. 9 Edw 7, c 41 Ss. 73, 74 am 47 & 48 Vict, c 39 Ss 75, 76 am 9 Edw 7, c 41 S 77 rep 47 & 48 Vict, c 39 Ss 78, 79, 80, am 9 Edw 7, c 41 S 80 rep pt 47 & 48 Vict, c 64, s 17 S 81 rep pt. 47 & 48 Vict, c 39 Ss 81, 82, 83 am 9 Edw 7, c 41 S 84 rep pt 47 & 48 Vict, c 39 S 85 in pt and Sch rep (U K) 56 & 57 Vict, c 14 (S L R) S 99 rep 38 & 39 Vict, c 66 (S L R)	See p 377 Sch omitted as being spent
„	29 & 30 Vict c 115	The Straits Settlements Act, 1866	S 1 and in pt s 4 rep (U K) 56 & 57 Vict, c 14 (S L R)	See p 407 Omitted as being inapplicable to India

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject.	How repealed or otherwise affected	REMARKS.
1868	31 & 32 Vict, c. 26	The Indian Railway Companies Act, 1868		See p 408
,,	31 & 32 Vict., c. 37	The Documentary Evidence Act, 1868	Applied, 58 & 59 Vict, c 9, ext 8 Edw 7, c 48, s 36 S 4 rep pt (U K) 56 & 57 Vict., c 14 (S L R)	See p 411
,,	31 & 32 Vict., c. 38	The Indian Prize Money Act, 1868	S 2 rep pt. (U K) 38 & 39 Vict., c 66 (S L R)	See p 414
,,	*31 & 32 Vict, c. 61*	*The Consular Marriage Act, 1868*	*Rep 55 & 56 Vict, c 23, s 26*	
,,	31 & 32 Vict., c. 91	*Sir Robert Napier's Annuity*		*See p 416*
1869	32 & 33 Vict., c. 7	The East India Irrigation and Canal Act, 1869		See p 416.
,,	32 & 33 Vict., c 88	Bishopric of Straits Settlements	Rep (U K) 56 & 57 Vict., c 54 (S L R) Ss 1, 2 rep pt (U K) 56 & 57 Vict, c 54 (S L R)	See p 420
,,	32 & 33 Vict., c. 97	The Government of India Act, 1869	S 2 am 7 Edw 7, c 35, s 4 S 5 and in pt. s 8 rep (U K.) 46 & 47 Vict., c 39 (S L R) Ss 6, 8 rep pt. (U K.) 56 & 57 Vict., c 54 (S L R.)	See p 421 Omitted as being spent, obsolete or unnecessary
,,	32 & 33 Vict., c 98	The Indian Councils Act, 1869	S 1 rep pt. (U K) 56 & 57 Vict., c 5 (S L R) S 2 rep 46 & 47 Vict., c 39 (S L R) S 3 rep pt. (U K) 56 & 57 Vict., c 54 (S L R)	See p 422

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1869	32 & 33 Vict, c 106	The East India Loan Act, 1869	S 1 rep (U K) 56 & 57 Vict, c 54 (S L R) S 14 rep 37 & 38 Vict, c 3, s 15	See p 422 Omitted as being inapplicable to India.
1870	33 & 34 Vict, c 3	The Government of India Act, 1870	S 3 See 55 & 56 Vict, c 14, s 1 (1) S 4 rep 46 & 47 Vict, c 39 (S L R)	See p 423
"	33 & 34 Vict., c 10	The Coinage Act, 1870	Am 54 & 55 Vict, c 72 S 2 rep pt (U K) 56 & 57 Vict, c 54 (S L R) S 14 rep pt. (U K) 61 & 62 Vict, c 22 (S L R) S 17 rep pt 41 & 42 Vict, c 49, s 86 S 20 and Sch II rep pt. (U K) 56 & 57 Vict, c 54 (S L R)	See p 425
"	33 & 34 Vict, c 14.	The Naturalization Act, 1870	Am 33 & 34 Vict, c 102, 35 & 36 Vict., c 39 S 5 rep pt. (U K.) 56 & 57 Vict, c 54 (S L R) S 11 rep pt. 55 & 56 Vict, c 23, s 26 S 18 and schedule rep 46 & 47 Vict, c 39 (S L R)	See p 435 Omitted as being spent.
"	33 & 34 Vict., c. 52	The Extradition Act, 1870	Am 36 & 37 Vict, c 60, 58 & 59 Vict., c 33 S 26 rep pt (U K.) 56 & 57 Vict c 54 (S L R) S 27 rep pt. 46 & 47 Vict, c 39 (S L R) Sch. 1 ext 36 & 37 Vict., c 88, s. 27, 6 Edw 7, c 15 Sch 3 rep pt (U K) 56 & 57 Vict, c 54 (S L R)	See p 443

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1870	33 & 34 Vict, c 59	The East India Contracts Act, 1870	S 1 rep 46 & 47 Vict, c 39 (S L R)	See p 456
,,	33 & 34 Vict., c 90	The Foreign Enlistment Act, 1870	Ss 3, 23, 26, 30 rep pt (U K) 56 & 57 Vict, c 54 (S L R) S 31 rep 46 & 47 Vict, c 39 (S L R)	See p 456.
,,	33 & 34 Vict., c 102	The Naturalization Oath Act, 1870		See p 468
1871	34 & 35 Vict, c 29	The India Stock Dividends Act, 1871	Ext 43 Vict, c 10, s 16 S. 1 rep in pt (U K) 46 & 47 Vict, c 39 (S L R)	See p 469
,,	34 & 35 Vict, c 34.	The Indian Councils Act, 1871		See p 469
,,	34 & 35 Vict, c 62	The Indian Bishops Act, 1871	S 1 rep in pt 46 & 47 Vict, c 39 (S L R)	See p 470
,,	34 & 35 Vict, c 91	Judicial Committee of Privy Council.	Rep (U K.) 56 & 57 Vict, c 54 (S L R)	Omitted as being inapplicable to India
1872	35 & 36 Vict, c 39	The Naturalization Act, 1872		See p 471
,,	35 & 36 Vict, c 56	Lady Mayo's Annuity		See p 473 The title only is reproduced
1873	36 & 37 Vict, c 17	The East India Stock Dividend Redemption Act, 1873	Ss 3—9 rep (U K.) 46 & 47 Vict, c 39 S 10 rep in pt (U K.) 46 & 47 Vict, c 39 Ss 11—15, 19—23, 26, 35, 36 rep (U K.) 46 & 47 Vict, c 39 (S L R)	See p 473 Omitted as being spent Part omitted as being obsolete and inapplicable to India Omitted as being spent.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1873	36 & 37 Vict, c 32	The East India Loan Act, 1873	S 1 rep in pt (U K) 46 & 47 Vict, c 39 (S L R)	See p 477
			S 14 rep 37 & 38 Vict, c 3, s 15	Omitted as being spent
,,	36 & 37 Vict, c 43	The Indian Railway Companies Act, 1873		See p 480
,,	36 & 37 Vict, c 59	The Slave Trade (East African Courts Act, 1873)	Am, s 2 rep in pt 42 & 43 Vict, c 38, s 2	See p 483
			Ss 4, 5 rep 53 & 54 Vict, c 27, s 18	
			S 8 and schedule rep (U K) 46 & 47 Vict, c 39 (S L R)	Omitted as being spent
,,	36 & 37 Vict, c 60	The Extradition Act, 1873	Am 58 & 59 Vict, c 33 Ext Act XV of 1903	See p 485
,,	36 & 37 Vict, c 88	The Slave Trade Act, 1873	Ss 20, 23 rep pt 53 & 54 Vict, c 27, s 18	See p 486
			S 30 and second schedule rep (U K.) 46 & 47 Vict, c 39 (S L R)	Omitted as being spent
1874	37 & 38 Vict, c 3	The East India Loan Act, 1874	S 14 rep (U K) 46 & 47 Vict, c 39 (S L R)	See p 496 Omitted as being obsolete
			S 15 rep in pt (U K.) 46 & 47 Vict, c 39 (S L R) S 18 rep (U K) 46 & 47 Vict, c 39 (S L R)	Omitted as being spent
,,	37 & 38 Vict, c 12	The East India Annuity Funds Act, 1874	S 1 rep (U K.) 56 & 57 Vict, c 14 (S L R) No 2	See p 499 Omitted as being obsolete
,,	37 & 38 Vict, c 27	The Courts (Colonial) Jurisdiction Act, 1874		See p 501

Chronological Table.

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1874	37 & 38 Vict, c 61	The Royal (late Indian) Ordnance Corps Act, 1874	S 3—5 rep (U K) 46 & 47 Vict, c 39 (S L R)	See p 501 Omitted as being obsolete
,,	37 & 38 Vict, c 77	The Colonial Clergy Act, 1874	Ss 2 & 10 and schedules rep (U K) 46 & 47 Vict, c 39 (S L R)	See p 502 Omitted as being spent
,,	37 & 38 Vict, c 91	The Indian Councils Act, 1874	Ss 1, 2 rep pt 4 Edw 7, c 7	See p 505
1875	[1] 38 & 39 Vict, c 12	The International Copyright Act, 1875		See p 506
1876	39 & 40 Vict, c 10	The Royal Titles Act, 1876		See p 507.
,,	39 & 40 Vict, c 20, s 2	The Statute Law Revision (Substituted Enactments) Act, 1876	S 2 rep pt (U K) 46 & 47 Vict, c 39 (S L R)	See p 5[illegible]7
,,	39 & 40 Vict, c 36, ss 149, 151 to 153,[2] 161, 217	The Customs Consolidation Act, 1876		See p [illegible]

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1878	41 & 42 Vict, c 73	The Territorial Waters Jurisdiction Act, 1878		See p 528
1879	42 & 43 Vict, c 8	The Registration of Births, Deaths and Marriages (Army) Act, 1879	S 5 rep (U K) 57 & 58 Vict, c 56 (S L R)	See p 530 Omitted as being spent
,,	42 & 43 Vict, c 38	The Slave Trade (East African Courts) Act, 1879	S 2 rep in pt (U K) 57 & 58 Vict, c 56 (S L R)	See p 532
,,	42 & 43 Vict, c 41	The Indian Guaranteed Railways Act, 1879		See p 533
,,	42 & 43 Vict, c 43	The East Indian Railway (Redemption of Annuities) Act, 1879	S 1 and in part s 4 rep U K. 57 & 58 Vict, c 56 (S L R)	See p 535 Omitted as being spent
,,	42 & 43 Vict, c 60	The East India Loan Act, 1879	Ss 3, 6, rep pt (U K.) 61 & 62 Vict, c 22 (S L R) Ss 9, 16 rep (U K) 57 & 58 Vict, c 56 (S L R) S 18 in part and s 19 rep (U K) 61 & 62 Vict, c 22 (S L R)	See p 537 Omitted as being spent Omitted as being spent
1880	43 Vict, c 3	The Indian Salaries and Allowances Act, 1880	S 5 rep (U K) 57 & 58 Vict, c 56 (S L R) The first schedule rep pt 56 & 57 Vict, c 62, s 2 The second schedule rep (U K) 57 & 58 Vict, c 56 (S L R)	See p 540
,,	43 Vict, c 10	The East India Loan (East Indian Railway Debentures) Act, 1880	S 3 rep pt 61 & 62 Vict, c 22 (S L R)	See p 541

STATUTES RELATING TO INDIA—*contd.*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1880	43 Vict, c 11	The Indian Stock (Powers of Attorney) Act, 1880		See p 544
„			S 3 rep pt 61 & 62 Vict, c 22 (S L R)	
1881	44 & 45 Vict, c 3	The Judicial Committee Act, 1881		See p 545
„	44 & 45 Vict, c 7	The India Office (Sale of Superfluous Land) Act, 1881		See p 546
„	44 & 45 Vict, c 53	The East India Railway (Redemption of Annuities) Act, 1881	S 2 am 48 & 49 Vict, c 25, s 25 (2)	See p 548
„	44 & 45 Vict,	The Regulation of		See p 549

STATUTES RELATING TO INDIA—*contd.*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1881	44 & 45 Vict, c 58—*contd*		Ss 191 to 193 and Sch V rep (U K) 56 & 57 Vict, c 54 (S L R)	
„	44 & 45 Vict, c 63	The India Office Auditor Act, 1881		See p 664
„	44 & 45 Vict, c 69	The Fugitive Offenders Act, 1881	Ss 40, 41 and schedule rep (U K) 57 & 58 Vict, c 56 (S L R) As to application to British India see Act XV of 1903, s 19	See p 664 Omitted as being spent
1882	45 & 46 Vict, c 9	The Documentary Evidence Act, 1882	Am 58 & 59 Vict, c 9	See p 676
„	45 & 46 Vict, c 45	The Bombay Civil Fund Act, 1882	Ss 1, 2 in pt and 6 rep (U K.) 61 & 62 Vict, c 22 (S L R)	See p 677.
„	45 & 46 Vict, c 48	The Reserve Forces Act, 1882	S 2 rep (U K.) 61 & 62 Vict, c 22 (S L R) S 3 rep pt and s 10 am 63 & 64 Vict, c 40 Ss 12, 13 am 61 & 62 Vict, c 9, s 1 S 14 (2) rep pt, 6 Edw 7, c 11 S 20 ext 62 & 63 Vict, c 40, and 6 Edw 7, c 11 S 29 in part and sch rep (U K.) 61 & 62 Vict, c 22 (S L R) Appld 7 Edw 7, c 9, Pt III	See p 679
1883	46 & 47 Vict, c 52, ss 118 and 119	The Bankruptcy Act, 1883		See p 691

Chronological Table

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected.	REMARKS
1884	47 & 48 Vict, c 31	The Colonial Prisoners Removal Act, 1884		See p 692
,,	47 & 48 Vict, c 38	The Indian Marine Service Act, 1884.		See p 698
,,	47 & 48 Vict, c 39	The Naval Discipline Act, 1884	Ss 8 (1) to (3), 9 and sch rep (U K) 61 & 62 Vict, c 22 (S L R)	See p 699
,,	47 & 48 Vict, c 64, s 10 (4)	The Criminal Lunatics Act, 1884.		See p 703
1885	48 & 49 Vict, c 25	The East India Unclaimed Stock Act, 1885		See p 703
,,	48 & 49 Vict, c 28	The East India Loan Act, 1885	Ss 3, 14 rep pt (U K.) 61 & 62 Vict, c 22 (S L R)	See p 713
,,	48 & 49 Vict, c 49	The Submarine Telegraph Act, 1885	S 4 rep 50 Vict, c 3, s 3 S 13 rep pt (U K) 61 & 62 Vict, c 22 (S L R),	See p 716
,,	48 & 49 Vict, c 67	The Indian Army Pension Deficiency Act, 1885	Ss 4, 5 am 59 & 60 Vict, c 28, s 37	See p 724
,,	48 & 49 Vict, c 74	The Evidence by Commission Act, 1885		See p 725
1886	[1] 49 & 50 Vict, c 33	The International Copyright Act, 1886	Ss 1, 12 rep pt (U K.) and sch III rep (U K.) 61 & 62 Vict, c 22 (S L R)	See p 727
,,	49 & 50 Vict, c 48	The Medical Act, 1886	S 7 am 63 & 64 Vict, c 19, s 10	See p 734

[1] This Act is repealed by the Copyright Act, 1911 (1 and 2 Geo 5, c 46) which will come into operation in British India when it is proclaimed see 1 & 2 Geo 5, c. 46 ss 25, 37 (2) (*d*), 36 and the Second Schedule

STATUTES RELATING TO INDIA—*contd*

Year	Regnal No and Chapter	Short title or subject	How repealed or otherwise affected	REMARKS
1886	49 & 50 Vict, c 48—*contd*		Ss 7 (2) in part, 8 (8), 26 in pt 28 and sch rep (U K) 61 & 62 Vict, c 22 (S L R) Supp 5 Edw 7, c 14	
1887	50 & 51 Vict, c 11	The Conversion of India Stock Act, 1887	Preamble and s 8 rep ss 6, 9 rep pt (U K.) 8 Edw 7, c 49 (S L R)	See p 746
"	50 & 51 Vict, c 54	The British Settlement Act, 1887	S 7 rep pt and sch rep (U K) 8 Edw 7, c 49 (S L R)	See p 748
"	50 & 51 Vict, c 67	The Superannuation Act, 1887	S 7 (1) rep 52 & 53 Vict, c 41, s 94 Ss 12, 13 rep pt s 14 and sch rep (U K) 8 Edw 7, c 49 (S L R)	See p 749
"	50 & 51 Vict, c 70	The Appellate Jurisdiction Act, 1887	Preamble and in part s 1 rep (U K.) 8 Edw 7, c 49 (S L R)	See p 753

A COLLECTION
OF
STATUTES RELATING TO INDIA.

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25 EDWARD I (*Magna Carta*) A D 1297

Chapter I

Confirmation of liberties

First, we have granted to God, and by this our present charter have confirmed, for us and our heirs for ever, that the church of England shall be free, and shall have all her whole rights and liberties inviolable We have granted also, and given to all the freemen of our realm, for us and our heirs for ever, these liberties under-written, to have and to hold to them and their heirs, of us and our heirs for ever

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Chapter XXIX

Imprisonment, etc, contrary to law Administration of Justice

No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed, nor will we not pass upon him, nor (condemn him[1]) but by lawful judgment of his peers, or by the law of the land We will sell to no man, we will not deny or defer to any either justice or right [2]

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5 EDWARD III A D 1331

Chapter IX

No unlawful attachment, etc

Item, it is enacted, that no man from henceforth shall be attached by any accusation, nor forejudged of life or limb, nor his lands, tenements, goods, nor chattels, seised into the King's hands, against the form of the Great Charter, and the law of the land

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[1] Deal with him

[2] It was confirmed by another Stat of 25 Edw I, called *Confirmatio cartarum,* which contains the following clause —" And we will, that if any judgment be given from henceforth contrary to the points of the charters aforesaid by the justices, or by any other our ministers, that hold plea before them against the points of the charters, it shall be undone and holden for nought "

28 EDWARD III A D 1354

Chapter III

None shall be condemned without due process of law

Item, that no man of what estate or condition that he be, shall be put out of land, or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law

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32 HENRY VIII A D 1540

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Chapter XXXIV

Grauntıes of Reversions

Covenants in leases, etc, not available by common law except to parties or privies thereto,

Where bifore this tyme divers, aswell temporall as ecclesiasticall and religiouse personnes, have made sundry leases demyses and grauntis to divers other persones of sundry manours lordshipps fermes meases landis tenementis medowes pastures or other hereditamentis for terme of life or lifes or for terme of yeres, by writing undre their seale or sealis conteyning certain conditions covenantis and agreamentis to be performed as well on the parte and bihalfe of the said leases and grauntis their executours and assigneis, as on the behalf of the said lessours and grantours their heirs and successours, and forasmuche as by the common lawe of this realme no straunger to any convenaunt action or condition shall take any advauntage or benefite of the same by any meanes or wayes in the lawe, but onely suche as be parties or prives therunto, by the reason wherof as well all grauntis of reversions as also all grauntees and patentis of the King our souveraine lorde of sundrie manours lordeships graunges fermes meases landis tenementis medowes pastures or other hereditamentis, late bilonging to monasteries and other religiouse and ecclesiasticall houses dissolved suppressid renouncid relinquished forfaicted geven up or by other meanes comme to thandis and possession of the Kings Majesty syns the fourth day of February the xxvij[th] yere of his mooste noble reigne, be excluded to have any entree or action against the said lesses and grauntees their executours or assigneis whiche the lessours bifore that tyme mought by the lawe have had against the same lesses for the breache of any condition covenaunt or agreement comprisid in the indentures of their said lesses dimises and grauntes Be it therefore enacted by the Kinge our souveraine lorde the lordes spirituall and temporall and the commons in this present Parlament assembled and by auctoritie of the same, that aswell all and every personne & persones and bodies politike their heires successours and assigneis, whiche have or shalhave any gifte or graunte of our said souveraine lorde by his letres patentis af anny lordeships mannours landis tenementis rentis personnages tithes portions or any other hereditaments,

grantees of the lands of religious houses dissolved, and all

or of anny reversion or reversions of the same, whiche did bilonge and appertaine to any of the said monasteries and other religiouse and ecclesiasticall houses dissolved suppressid relinquished forfaicted or by any other meanes comme to the Kinges handes syns the said iiij[th] day of February the xxvij yere of his moost noble reigne, or whiche at any tyme heretofore did bilonge or appertayne to any other persone or personnes and aftre came to thandis of our said souveraine lorde, as also all other personnes being grauntees or assigneis to or by our said souveraine lorde the King, or to or by any other personne or personnes than the Kings Highnes, and theiree executors successors and assignes of everie of them, shall and may have and enjoye like advauntage against the lesses their executours administratours and assigneis, by entree for none payment of the rent or for doing of wast or other forfaicture, and also shall and may have and enjoye all and every suche like and the same advauntage benefite and remedyes by action onely for not perfourmyng of other conditions covenantis or agreamentis conteynid and expressid in the endentures of their said leases dymyses or grauntes, against all and every the said lesses and fermours and grauntiies their executours administratours and assignis, as the said lessours or grantours them selfis or their heires or successours ought shuld or might have had and enjoyed at any tyme or tymes, in like maner and fourme as if the reversion of suche landis tenementis or hereditamentis had not comme to thandis of our said souveraine lorde or as our said souveraine lorde his heires and successours shuld or might have had and enjoyed in certaine cases by vertue of Thacte made at the first cession of this present Parlament if no suche grante by letres patentes had ben made by his Highnes

Margin: grantees of reversions in lands, etc, shall have advantage of all covenants against the lessees of such lands

Margin: 31 H VIII, c 13

2 Moreover be it enacted by auctoritie aforesaid that all fermours lessees and grantees of lordeshipps manours landis tenementis rentis personnages tithes portions or anny other hereditamentis for terme of yeres life or lyfes their executours administratours and assigneis, shall and may have like action avauntage and remedy againste all and everie personne and personnes and bodies politike their heires successours and assigneis whiche have or shalhave any gifte or graunte of our souveraine lorde the Kinge or of anny other personne or personnes of the reversion of the same manours landis tenementis and other hereditamentis so letten or any percell therof, for any condition covenaunt or agreament conteynid or expressid in the indenturis of their leasse and leasses as the same leases or anny of them might and shulde have had against their said leassours and grauntours their heires or successours; all benefites and advauntages of recoveres by reason of anny waraunty in deede or in lawe by voucher or otherwise onely excepted

Margin: Lessees may have action of covenant, etc, against such grantees

3 Provided allwaies that this Acte nor anny thinge or thinges therin conteynid shall extend to hindre or charge any persone or personnes for the breche of any covenaunt or condition comprised in any suche writing as is aforesaid, but for suche covenauntis and conditions as shall

Margin: Commencement of the provisions of this Act.

be broken or not perfourmed after the firste day of Septembre next comming and not bifore, any thinge bifore in this Acte conteynid to the contrarie therof notwithstanding

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Chapter XXXVIII

* * * * * *

No marriage without the Levitical degrees shall be impeached

No reservation or prohibition, Goddis lawe except, shall trouble or impeche anny mariage without the Leviticall degrees, and that no person of what estate degree or condition soever he or she be shall aftre the first day of the said monneth of July aforesaid be admitted in any of the sipirituall courtis within this the Kinges realme or any his graces other landis and dominions to any proces plea or allegation contrarie to this aforesaid Acte

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5 & 6 EDW VI, C 16

Chapter XVI

Against buying and selling of offices

(*Extended throughout the British dominions* See *49 Geo 3, c 126*)

The penalty for buying or [illegible]lling some [illegible] of offices [illegible]ulstr 91 [illegible]oll. 157, [illegible],6 2 Sall 468 3 Lev 289

For the avoiding of corruption which may hereafter happen to be in the officers and ministers in those courts, places or rooms, wherein there is requisite to be had the true administration of justice or services of trust, (2) and to the intent that persons worthy and meet to be advanced to the place where justice is to be ministred, or any service of trust executed, should hereafter be preferred to the same, and no other

2 Be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons at any time hereafter bargain or sell any office or offices, or deputation of any office or offices, or any part or parcel of any of them, (2) or receive, have or take any money, fee, reward, or any other profit directly or indirectly (3) or take any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee, reward or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices or any part of any of them, (4) or to the intent that any person should have, exercise or enjoy any office or offices, or the deputation of any office or offices or any part of any of them, (5) which office or offices, or any part or parcel of them, shall in any wise touch or concern the administration or execution of justice; (6) or the receipt controlment or payment of any of the King's highness treasure, money, rent, revenue, account aulnage, auditorship or surveying of any of the King's Majesty's honours, castles, manors, lands,

Hob [illegible] Cro Jac 269 [illegible] Temp [illegible] 113

chase or forest, or to any of them, any thing in this act heretofore mentioned to the contrary thereof in any wise notwithstanding

Acts done by an officer removeable shall be good

5 Provided also, That if any person or persons do hereafter offend in any thing contrary to the tenor and effect of this act, yet that notwithstanding all judgments given, and all other act or acts executed or done by any such person or persons so offending by authority or colour of the office or deputation which ought to be forfeited, or not occupied or not enjoyed by the person so offending as is aforesaid, after the said offence so by such person committed or done, and before such person so offending for the same offence be removed from the exercise, administration and occupation of the said office or deputation, shall be and remain good and sufficient in law to all intents, constructions and purposes, in such like manner and form as the same should or ought to have remained and been if this act had never been had or made

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29 CHARLES II A D 1677

Chapter III

Rot Parl. 29, c 2, p 2, nu 2

An Act for prevention of frauds and Perjuryes

* * * * * *

Declarations or creations of trusts of lands to be in writing signed

7. And bee it further enacted by the authoritie aforesaid that from and after the said fower and twentyeth day of June all declarations or creations of trusts or confidences of any lands tenements or hereditaments shall be manifested and proved by some writeing signed by the partie who is by law enabled to declare such trust or by his last will in writeing or else they shall be utterly void and of none effect

Proviso for trusts arising, transferred or extinguished by implication of law

8. Provided alwayes that where any conveyance shall be made of any lands or tenements by which a trust or confidence shall or may arise or result by the implication or construction of law or bee transferred or extinguished by an act or operation of law then and in every such case such trust or confidence shall be of the like force and effect as the same would have beene if this statute had not beene made Any thing hereinbefore contained to the contrary notwithstanding

Assignments of trusts shall be in writing

9 And bee it further enacted that all grants and assignments of any trust or confidence shall likewise be in writeing signed by the partie granting or assigning the same (or) by such last will or devise or else shall likewise be utterly void and of none effect

Lands, etc, of cestui que trust liable to the judgments, etc

10 And bee it further enacted by the authoritie aforesaid that from and after the said fower and twentyeth day of June it shall and may be lawfull for every sheriffe or other officer to whome any writt or precept

is or shall be directed at the suite of any person or persons of for and upon any judgment statute or recognizance hereafter to be made or had, to doe make and deliver execution unto the partie in that behalfe sueing of all such lands tenements rectories tythes rents and hereditaments as any other person or persons be in any manner of wise seised or possessed (or hereafter shall be seised or possessed) in trust for him against whome execution is soe sued like as the sheriffe or other officer might or ought to have done if the said partie against whome execution hereafter shall be soe sued had beene seised of such lands tenements rectories tythes rents or other hereditaments of such estate as they be seized of in trust for him at the time of the said execution sued Which lands tenements rectories tythes rents and other hereditaments by force and vertue of such execution shall accordingly be held and enjoyed freed and discharged from all incumbrances of such person or persons as shall be soe seised or possessed in trust for the person against whome such execution shall be sued And if any cestuy que trust hereafter shall dye leaveing a trust in fee simple to descend to his heire, there, and in every such case such trust shall be deemed and taken and is hereby declared to be assetts by descent and the heire shall be lyable to and chargeable with the obligation of his auncestors for and by reason of such assetts as fully and amply as he might or ought to have beene if the estate in law had descended to him in possession in like manner as the trust descended, any law custome or usage to the contrary in any wise notwithstanding

and held free from the incumbrances of the persons seized in trust

Trust shall be assets by descent

11. Provided alwayes that noe heire that shall become chargeable by reason of any estate or trust made assetts in his hands by this law shall by reason of any kinde of plea or confession of the action or suffering judgment by nient dedire or any other matter bee chargeable to pay the condemnation out of his owne estate but execution shall be sued of the whole estate soe made assetts in his hands by descent in whose hands soever it shall come after the writt purchased in the same manner as it is to be at and by the common law where the heire at law pleading a true plea judgment is prayed against him thereupon Any thing in this present Act contained to the contrary notwithstanding

But heir shall not by reason thereof become chargeable of his own estate

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31 CHARLES II A D 1679

Chapter II

An Act for the better secureing the Liberty of the Subject and for Prevention of Imprisonments beyond the Seas

Rot Parl 31, c 2, nu 2

Whereas great delayes have beene used by sheriffes goalers and other officers to whose custody any of the Kings subjects have beene

Recital that delays had been used by

sheriffs in making returns of writs of habeas corpus, etc

committed for criminall or supposed criminall matters in makeing returnes of writts of habeas corpus to them directed by standing out an alias and pluries habeas corpus and sometimes more and by other shifts to avoid their yielding obedience to such writts contrary to their duty and the knowne lawes of the land whereby many of the Kings subjects have beene and hereafter may be long detained in prison in such cases where by law they are baylable to their great charge and vexation For the prevention whereof and the more speedy releife of all persons imprisoned for any such criminall or supposed criminall matters bee it enacted by the Kings most excellent Majestie by and with the advice and consent of the lords spirituall and temporall and commons in this present Parlament assembled and by the authoritie thereof that whensoever any person or persons shall bring any habeas corpus directed unto any sheriffe or sheriffes goaler minister or other person whatsoever for any person in his or their custody and the said writt shall be served upon the said officer or left at the goale or prison with any of the under-officers under-keepers or deputy of the said officers or keepers that the said officer or officers his or their under-officers under-keepers or deputyes shall within three dayes after the service thereof as aforesaid (unlesse the committment aforesaid were for treason or fellony plainely and specially expressed in the warrant of committment) [upon payment or tender of the charges of bringing the said prissoner to be ascertained by the judge or court that awarded the same and endorsed upon the said writt not exceeding twelve pence per mile and upon security given by his owne bond to pay the charges of carrying backe the prisoner if he shall bee remanded by the court or judge to which he shall be brought according to the true intent of this present Act and that he will not make any escape by the way] make returne of such writt [or] bring or cause to be brought the body of the partie soe committed or restrained unto or before the lord chauncellor or lord-keeper of the great seale of England for the time being or the judges or barons of the said court from whence the said writt shall issue or unto and before such other person [and] persons before whome the said writt is made returnable according to the command thereof, and shall [likewise then] certifie the true causes of his detainer or imprisonment unlesse the committment of the said partie be in any place beyond the distance of twenty miles from the place or places where such court or person is or shall be resideing and if beyond the distance of twenty miles and not above one hundred miles then within the space of ten dayes and if beyond the distance of one hundred miles then within the space of twenty dayes after such delivery aforesaid and not longer

Sheriff, etc, within three days after service of habeas corpus, with the exception of treason and felony, as and under the regulations herein mentioned, to bring up the body before the Court to which the writ is returnable,

and certify the true causes of imprisonment.

Exceptions in respect of distance

How writs to be marked

2 [And to the intent that noe sheriffe goaler or other officer may pretend ignorance of the import of any such writt bee it enacted by the authoritie aforesaid that all such writts shall be marked in this manner Per statutum tricesimo primo Caroli Secundi Regis and shall be signed

by the person that awards the same] And if any person or persons shall be or stand committed or detained as aforesaid for any crime unlesse for treason or fellony plainely expressed in the warrant of committment in the vacation time and out of terme it shall and may be lawfull to and for the person or persons soe committed or detained other then persons convict or in execution by legall processe or any one in his or their behalfe to appeale or complaine to the lord chauncellour or lord keeper or any one of his Majestyes justices either of the one bench or of the other or the barons of the Exchequer of the degree of the coife and the said lord chauncellor lord keeper justices or barons or any of them upon view of the copy or copyes of the warrant or warrants of committment and detainer or otherwise upon oath made that such copy or copyes were denyed to be given by such person or persons in whose custody the prisoner or prisoners is or are detained are hereby authorized and required upon request made in writeing by such person or persons or any on his her or their behalfe attested and subscribed by two witnesses that were present at the delivery of the same to award and grant an habeas corpus under the seale of such court whereof he shall then be one of the judges to be directed to the officer or officers in whose custodie the party soe committed or detained shall be returnable immediate before the said lord chauncellor or lord-keeper or such justice baron or any other justice or baron of the degree of the coife of any of the said courts and upon service thereof as aforesaid the officer or officers his or their under-officer or under-officers under-keeper or under-keepers or their deputy in whose custodie the partie is soe committed or detained shall within the times respectively before limitted bring such prisoner or prisoners before the said lord chauncellor or lord-keeper or such justices barons or one of them before whome the said writt is made returnable and in case of his absence before any other of them with the returne of such writt and the true causes of the committment and detainer and thereupon within two dayes after the partie shall be brought before them the said lord chauncellor or lord-keeper or such justice or baron before whome the prisoner shall be brought as aforesaid shall discharge the said prisoner from his imprisonment takeing his or their recognizance with one or more suretie or sureties in any summe according to their discretions haveing reguard to the quality of the prisoner and nature of the offence for his or their appearance in the Court of Kings Bench the terme following or at the next assizes sessions or generall goale-delivery of and for such county city or place where the committment was or where the offence was committed or in such other court where the said offence is properly cognizable as the case shall require and then shall certifie the said writt with the returne thereof and the said recognizance or recognizances into the said court where such appearance is to be made unlesse it shall appeare unto the said lord chauncellor or lord keeper or justice or justices or baron or barons that the partly soe committed is detained upon a legall processe

Persons committed, except for treason and felony, etc, may appeal to the lord chancellor, etc

Proceedings thereon.

Habeas corpus may be awarded,

and upon service thereof the officer to bring up the prisoners as before mentioned,

and thereupon within two days lord chancellor, etc, may discharge upon recognisance,

and certify the writ with the return and recognisance.

Proviso for

ingly contrary to this Act recommitt or imprison or knowingly procure or cause to be recommitted or imprisoned for the same offence or pretended offence any person or persons delivered or sett at large as aforesaid or bee knowingly aiding or assisting therein then he or they shall forfeite to the prisoner or party grieved the summe of five hundred pounds any colourable pretence or variation in the warrant or warrants of committment notwithstanding to be recovered as aforesaid

Unduly recommitting such discharged persons or assisting therein, penalty to the party £500

6 Provided alwayes and bee it further enacted that if any person or persons shall be committed for high treason or fellony plainely and specially expressed in the warrant of committment upon his prayer or petition in open court the first weeke of the terme or first day of the sessions of oyer and terminer or general goale delivery to be brought to his tryall shall not bee indicated sometime in the next terme sessions of oyer and terminer or generall goale delivery after such committment it shall and may bee lawfull to and for the judges of the Court of Kings Bench and justices of oyer and terminer or generall goale delivery and they are hereby required upon motion to them made in open court the last day of the terme sessions or goale-delivery either by the prisoner or any one in his behalfe to sett at liberty the prisoner upon baile unlesse it appeare to the judges and justices upon oath made that the witnesses for the King could not be produced the same terme sessions or generall goale-delivery And if any person or persons committed as aforesaid upon his prayer or petition in open court the first weeke of the terme or first day of the sessions of oyer and terminer or generall goale-delivery to be brought to his tryall shall not be indicted and tryed the second terme sessions of oyer and terminer or generall goale-delivery after his committment or upon his tryall shall be acquitted he shall be discharged from his imprisonment.

If persons committed for high treason or felony plainly expressed in warrant shall not on petition be indicated as herein mentioned, judges, etc, may discharge upon bail,

proviso,

and if not indicated and tried as herein mentioned, then to be discharged

7. Provided alwayes that nothing in this Act shall extend to discharge out of prison any person charged in debt or other action or with processe in any civil cause but that after he shall be discharged of his imprisonment for such his criminall offence he shall be kept in custodie according to law for such other suite

Proviso respecting persons charged in debt, etc

8. Provided alwayes and bee it enacted by the authoritie aforesaid that if any person or persons subject of this realme shall be committed to any prison or in custodie of any officer or officers whatsoever for any criminall or supposed criminall matter that the said person shall not be removed from the said prison and custody of any other officer or officers unlesse it be by habeas corpus or some other legall writt or where the prisoner is delivered to the constable or other inferiour officer to carry such prisoner to some common goale or where any person is sent by order of any judge of assize or justice of the peace to any common workehouse or house of correction or where the prisoner is removed from one prison or place to another within the same county in order to his or her tryall or discharge in due course of law or in case of suddaine fire or

Persons committed for criminal matter not to be removed but by habeas corpus or other legal writ

Unduly making out, etc, warrant for removal, infection or other necessity and if any person or persons shall after such committment aforesaid make out and signe or countersigne any warrant or warrants for such removeall aforesaid contrary to this Act as well he that makes or signes or countersignes such warrant or warrants as the officer or officers that obey or execute the same shall suffer and incurr the paines and forfeitures in this Act before-mentioned both for the first penalty and second offence respectively to be recovered in manner aforesaid by the partie grieved

Proviso for application for and granting habeas corpus in vacation time 9. Provided alsoe and bee it further enacted by the authoritie aforesaid that it shall and may be lawfull to and for any prisoner and prisoners as aforesaid to move and obtaine his or their habeas corpus as well out of the High Court of Chauncery or Court of Exchequer as out of the Courts of Kings Bench or Common Pleas or either of them and if Lord Chancellor, etc, unduly denying writ, the said lord chauncellor or lord keeper or any judge or judges baron or barons for the time being of the degree of the coife of any of the courts aforesaid in the vacation time upon view of the copy or copies of the warrant or warrants of committment or detainer or upon oath made that such copy or copyes were denyed as aforesaid shall deny any writt of habeas corpus by this Act required to be granted being moved for as penalty to party £500 aforesaid they shall severally forfeite to the prisoner or partie grieved the summe of five hundred pounds to be recovered in manner aforesaid

[*Section 10 is omitted as inapplicable to India*]

No subject to be sent prisoner into Scotland, etc, or any parts beyond the seas 11 And for preventing illegall imprisonments imprisons beyond the seas bee it further enacted by the authoritie aforesaid, that noe subject of this realme that now is or hereafter shall be an inhabitant or resiant of this kingdome of England dominion of Wales or towne of Berwicke upon Tweede shall or may be sent prisoner into Scotland Ireland Jersey Gaurnsey Tangeir or into any parts garrisons islands or places beyond the seas which are or at any time hereafter shall be within or without the dominions of his Majestie his heires or successors and that every such imprisonment is hereby enacted and adjudged to be illegall and that if any of the said subjects now is or hereafter shall bee soe imprisoned every Persons so imprisoned may maintain action against the person committing or otherwise acting in respect thereof, as herein mentioned. such person and persons soe imprisoned shall and may for every such imprisonment maintaine by vertue of this Act an action or actions of false imprisonment in any of his Majestye's courts of record against the person or persons by whome he or she shall be soe committed detained imprisoned sent prisoner or transported contrary to the true meaning of this Act and against all or any person or persons that shall frame contrive write seale or countersigne any warrant or writeing for such committment detainer imprisonment or transportation or shall be adviseing aiding or assisting in the same or any of them and the plaintiffe in every such action shall have judgement to recover his treble costs besides damages Treble costs and damages, which damages soe to be given shall not be lesse than five hundred pounds in which action noe delay stay or stopp of proceeding by rule order or command nor noe injunction protection or priviledge whatsoever nor any

more then one impailance shall be allowed excepting such rule of the court wherein the action shall depend made in open court as shall bee thought in justice necessary for speciall cause to be expressed in the said rule, and the person or persons who shall knowingly frame contrive write seale or countersigne any warrant for such committment detainer or transportation or shall soe committ detaine imprison or transport any person or persons contrary to this Act or be any wayes adviseing aiding or assisting therein being lawfully convicted thereof shall be disabled from thenceforth to beare any office of trust or proffitt within the said realme of England dominion of Wales or towne of Berwicke upon Tweede or any of the islands territories or dominions thereunto belonging and shall incurr and sustaine the paines penalties and forfeitures limitted ordained and provided in the Statute of provision and premunire made in the sixteenth yeare of King Richard the Second and be incapeable of any pardon from the King his heires or successors of the said forfeitures losses or disabilities or any of them

and the person so committing or acting disabled from office, and incur premunire—16 R II C 5.

and be incapable of pardon

12. Provided alwayes that nothing in this Act shall extend to give benefitt to any person who shall by contract in writeing agree with any merchant or owner of any plantation or other person whatsoever to be transported to any parts beyond seas and receive earnest upon such agreement although that afterwards such person shall renounce such contract

Proviso for contracts for transportation.

13 Provided alwayes and bee it enacted that if any person or persons lawfully convicted of any felony shall in open court pray to be transported beyond the seas and the court shall thinke fitt to leave him or them in prison for that purpose such person or persons may be transported into any parts beyond the seas this Act or anything therein contained to the contrary notwithstanding

And for transportation of persons convicted of felony and praying to be transported

14 [*Rep (E) 26 & 27 Vic, c 125 (S L R) Omitted as being spent*]

15. Provided alsoe that if any person or persons at any time resiant in this realme shall have committed any capitall offence in Scotland or Ireland or any of the islands or forreigne plantations of the King his heires or successors where he or she ought to be tryed for such offence such person or persons may be sent to such place there to receive such tryall in such manner as the same might have beene used before the makeing of this Act anything herein contained to the contrary notwithstanding

Proviso for sending persons to be tried in places where any capital offence committed

16. Provided alsoe and bee it enacted that noe person or persons shall be sued impleaded molested or troubled for any offence against this Act unlesse the partie offending be sued or impleaded for the same within two yeares at the most after such time wherein the offence shall be committed in case the partie grieved shall not be then in prison and if he shall be in prison then within the space of two yeares after the decease of the person imprisoned or his or her delivery out of prison which shall first happen

Limitation of prosecution for offences against this Act

After assizes proclaimed, no person to be removed from common goal upon habeas corpus, but brought before judge of assize

17. And to the intent noe person may avoid his tryall at the assizes or generall goale-delivery by procureing his removeall before the assizes at such time as he cannot be brought backe to receive his tryall there bee it enacted that after the assizes proclaimed for that country where the prisoner is detained noe person shall be removed from the common goale upon any habeas corpus granted in pursuance of this Act but upon any such habeas corpus shall be brought before the judge of assize in open court who is thereupon to doe what to justice shall appertaine

After assizes persons detained may have habeas corpus

18. Provided neverthelesse that after the assizes are ended any person or persons detained may have his or her habeas corpus according to the direction and intention of this Act

Informations, etc, brought for offence against this law, general issue

19. And bee it also enacted by the authoritie aforesaid that if any information suite or action shall be brought or exhibited against any person or persons for any offence committed or to be committed against the forme of this law it shall be lawfull for such defendants to pleade the generall issue that they are not guilty or that they owe nothing and to give such speciall matter in evidence to the jury that shall try the same which matter being pleaded had beene good and sufficient matter in law to have discharged the said defendant or defendants against the said information suite or action and the said matter shall be then as availeable to him or them to all intents and purposes as if he or they had sufficiently pleaded sett forth or alledged the same matter in barr or discharge of such information suite or action

Proviso as to removal or bail of persons charged as accessories before the fact to petty treason or felony

20. And because many times persons charged with petty treason or felony or as accessaries thereunto are committed upon suspicion onely whereupon they are baileable or not according as the circumstances makeing out that suspicion are more or lesse weighty which are best knowne to the justices of peace that committed the persons and have the examinations before them or to other justices of the peace in the county Bee it therefore enacted that where any person shall appeare to be committed by any judge or justice of the peace and charged as accessary before the fact to any petty treason or felony or upon suspicion thereof or with suspicion of petty treason or felony which petty treason or felony shall be plainely and specially expressed in the warrant of committment that such person shall not be removed or bailed by vertue of this Act or in any other manner then they might have beene before the makeing of this Act

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1 WILLIAM & MARY A D 1688

Chapter VI

An Act for Establishing the Coronation Oath

Whereas by the law and ancient usage of this realme the Kings and

Queens thereof have taken a solemne oath upon the Evangelists at their respective coronations to maintaine the statutes laws and customs of the said realme and all the people and inhabitants thereof in their spirituall and civill rights and properties But forasmuch as the oath itselfe on such occasion administered hath heretofore beene framed in doubtfull words and expressions with relation to ancient laws and constitutions at this time unknowne To the end therefore that one uniforme oath may be in all times to come taken by the Kings and Queens of this realme and to them respectively administered at the times of their and every of their coronation

Oath heretofore framed in doubtful words

2 May it please your Majesties that it may be enacted and bee it enacted by the King and Queens most excellent Majestyes by and with the advice and consent of the lords spirituall and temporall and the commons in this present Parlyament assembled and by the authoritie of the same that the oath hereinmentioned and hereafter expressed shall and may be administred to their most excellent Majestyes King William and Queen Mary (whome God long preserve) at the time of their coronation in the presence of all persons that shall be then and there present at the solemnizeing thereof by the Archbishop of Canterbury or the Archbishop of Yorke or either of them or any other bishop of this realme whome the King's Majesty shall thereunto appoint and who shall be hereby thereunto respectively authorized which oath followeth and shall be administred in this manner that is to say,

Oath hereafter mentioned to be administered, by the Archbishop of Canterbury, etc

The archbishop or bishop shall say,

3 Will you solemnely promise and sweare to governe the people of this Kingdome of England and the dominions thereto belonging according to the statutes in Parlyament agreed on and the laws and customs of the same?

Form of oath and administration thereof

The King and Queene shall say,
I solemnly promise soe to do
Archbishop or bishop,

Will you to your power cause law and justice in mercy to be executed in all your judgments?

King and Queene,
I will.
Archbishop or bishop

Will you to the utmost of your power maintaine the laws of God the tru profession of the Gospell and the Protestant reformed religion established by law? And will you preserve unto the bishops and clergy of this realme and to the churches committed to their charge all such

rights and priviledges as by law doe or shall appertaine unto them or any of them?

King and Queene

All this I promise to doe

After this the King and Queene laying his and her hand upon the Holy Gospells, shall say,

King and Queene

The things which I have herebefore promised I will performe and keepe soe help me God.

Then the King and Queene shall kisse the booke

Oath to be administered to all future Kings and Queens

4 And bee it further enacted that the said oath shall be in like manner administered to every King or Queene who shall succeede to the imperiall crowne of this realme at their respective coronations by one of the archbishops or bishops of this realme of England for the time being to be thereunto appointed by such King or Queene respectively and in the presence of all persons that shall be attending assisting or otherwise present at such their respective coronations any law statute or usage to the contrary notwithstanding

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Posthumous Children.

10 Will. 3, c 22 [1]

An Act to enable Posthumous Children to take Estates as if borne in their Fathers Lifetime

Whereas it often happens that by marriage and other settlements estates are limited in remainder to the use of the sons and daughters the issue of such marriage with remainders over without limiting an estate to trustees to preserve the contingent remainders limited to such sons and daughters by which means such sons and daughters if they happen to be borne after the decease of their father are in danger to be defeated of their remainder by the next in remainder after them and left un provided for by such settlements contrary to the intent of the parties that made those settlements

Be it enacted by the Kings Most Excellent Majesty by and with the advice and consent of the lords spirituall and temporall and commons in this present Parliament assembled and by the authority of the same

[1] This is Cap 16 in the common printed editions

that where any estate already is or shall hereafter by any marriage or other settlement be limited in remainder to or to the use of the first or other son or sons of the body of any person lawfully begotten with any remainder or remainders over to or to the use of any other person or persons or in remainder to or to the use of a daughter or daughters lawfully begotten with any remainder or remainders to any other person or persons that any son or sons or daughter or daughters of such person or persons lawfully begotten or to be begotten that shall be borne after the decease of his her or their father shall and may by virtue of such settlement take such estate so limited to the first and other sons or to the daughter or daughters in the same manner as if borne in the lifetime of his her or their father although there shall happen no estate to be limited to trustees after the decease of the father to preserve the contingent remainder to such after-borne son or sons daughter or daughters untill he she or they come in esse or are borne to take the same any law or usage to the contrary in any wise notwithstanding

2 [*Rep as to U K 30 & 31 Vict, c 59 (S L R) Omitted as being spent*]

CRIME IN PLANTATIONS [1]

11 Will 3, c. 12.

An Act to punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations Rot Parl. 11, Gul. III, p 3, n. 3

WHEREAS a due punishment is not provided for severall crimes and offences committed out of this his Majesties realme of England whereof divers governors lieutenant-governors deputy governors or commanders-in-chiefe of plantations and colonies within his Majesties dominions beyond the seas have taken advantage and have not been deterred from oppressing his Majesties subjects within their respective governments and commands nor from committing severall other great crimes and offences not deeming themselves punishable for the same here nor accountable for such their crimes and offences to any person within their respective governments and commands — Reasons for passing this Act.

For remedy whereof be it enacted by the Kings most excellent Majesty by and with the advice and consent of the lords spirituall and temporall and commons in Parliament assembled and by the authority of the same that if any governor lieutenant-governor deputy governor or commander-in-chiefe of any plantation or colony within his Majesties — How and where oppressions by governors, etc, of plantations abroad tried

[1] See, too, ss 4 and 5, 21 Geo 3, c 70, *post*.

dominions beyond the seas shall after the first day of August one thousand seaven hundred be guilty of oppressing any of his Majesties subjects beyond the seas within their respective governments or commands or shall be guilty of any other crime or offence contrary to the laws of this realme or in force within their respective governments or commands such oppressions crimes and offences shall be enquired of heard and determined in his Majesties Court of Kings Bench here in England or before such commissioners and in such county of this realme as shall be assigned by his Majesties commission and by good and lawfull men of the same country and that such punishments shall be inflicted on such offenders as are usually inflicted for offences of like nature committed here in England

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THE ACT OF SETTLEMENT

12 & 13 Will 3, c 2

An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the subject

[*Preamble recites 1 W & M, c 2*]

[1] * * * * * * * *

Princess Sophia declared next successor to the crown

1 That the most excellent princess *Sophia* electress and dutchess dowager of *Hanover* daughter of the most excellent princess *Elizabeth* late Queen of *Bohemia* daughter of our late soveraign lord King *James* the First of happy memory be and is hereby declared to be the next in succession in the protestant line to the imperiall crown and dignity of the said realms of *England France* and *Ireland* with the dominions and territories thereunto belonging after his Majesty and the princess *Anne* of *Denmark* and in default of issue of the said princess *Anne* and of his Majesty respectively and that from and after the deceases of his said Majesty our now sovereign lord and of her royall highness the princess *Anne* of *Denmark* and for default of issue of the said princess *Anne* and of his Majesty respectively the crown and regall government of the said kingdoms of *England France* and *Ireland* and of the dominions thereunto belonging with the royall state and dignity of the said realms and all honours stiles titles regalities prerogatives powers jurisdictions and authorities to the same belonging and appertaining shall be remain and continue to the said most excellent princess *Sophia* and the heirs of her body being protestants And thereunto the said lords spirituall and temporall and commons shall and will in the name of all the people of this realm most humbly and faithfully

after the King and Princess Anne of Denmark and their issue, etc,

and to the heirs of her body being protestants.

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[1] Recital and enacting words have been omitted.

submit themselves their heirs and posterities and do faithfully promise that after the deceases of his Majesty and her royall highness and the failure of the heirs of their respective bodies to stand to maintain and defend the said princess *Sophia* and the heirs of her body being protestants according to the limitation and succession of the crown in this Act specified and contained to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt anything to the contrary

2 Provided always and it is hereby enacted that all and every person and persons who shall or may take or inherit the said crown by virtue of the limitation of this present act and is are or shall be reconciled to or shall hold communion with the see or church of *Rome* or shall profess the popish religion or shall marry a papist shall be subject Papists, etc., incapacitated from inheriting the crown

Military or to have any grant of lands tenements or hereditaments from the crown to himself or to any other or others in trust for him [1]

[2]* * * * * *

4 [*All laws for securing the Established religion, etc, confirmed. Omitted as apparently extending to the United Kingdom only*]

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1 Anne A D 1702.

Chapter II

Rot Parl., 1 Ann, p 2, n 2.

An Act for explaining a Clause in an Act made at the Parliament begun and holden at Westminster the Two and twentieth of November in the Seventh Year of the Reign of our Sovereign Lord King William the Third intituled An Act for the better security of His Majesties Royal Person and Government

[*Sections 1 to 3—Rep 30 & 31 Vict, 59 (S L R) Omitted as being spent or superseded*]

The like enactment as to writs and proceedings in time to come

4. And be it further enacted that no writ plea or process or any other proceeding upon any indictment or information for any offence or misdemeanor or any writ process or proceeding for any debt or account that

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[1] Rep 7 & 8 Vict, c 66, as to such parts as are inconsistent with the provisions of that Act The provisions of that Act with which this clause is inconsistent, are as follows —

Sec 3—And be it enacted, that every person now born or hereafter to be born, out of her Majesty's dominions, of a mother being a natural born subject of the United Kingdom, shall be capable of taking to him, his heirs, executors, or administrators, any estate, real or personal, by devise or purchase or inheritance of succession

Sec 5—And be it enacted, that every alien now residing in or who shall hereafter come to reside in any part of the United Kingdom, and being the subject of a friendly state, may by grant lease, demise, assignment, bequest, representation, or otherwise, take and hold any lands, houses, or other tenements for the purpose of residence or of occupation by him or her or his or her servants, or for the purpose of any business, trade or manufacture, for any term of years not exceeding twenty one years, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, except the right to vote at elections for members of Parliament, as if he were a natural-born subject of the United Kingdom

Sec 6—And be it enacted that upon obtaining the certificate and taking the oath hereinafter prescribed, every alien now residing in or who shall hereafter come to reside in any part of Great Britain or Ireland with intent to settle therein, shall enjoy all the rights and capacities which a natural born subject of the United Kingdom can enjoy or transmit, except that such alien shall not be capable of becoming of Her Majesty's privy council nor a member of either House of Parliament, nor of enjoying such other rights and capacities, if any as shall be specially excepted in and by the certificate to be granted in manner hereinafter mentioned

Sec 16—And be it enacted, that any woman married or who shall be married to a natural born subject or person naturalized shall be deemed and taken to be herself naturalized and have all the rights and privileges of a natural born subject

7 & 8 Vict, c 66 is rep 33 Vict, c 14, by s 7 of which Act the above clause is virt rep as to all persons obtaining a certificate of naturalization

[2] The three remaining paragraphs of the section are omitted as being inapplicable to Ireland —the first two were rep by 4 & 5 Anne, c 20, s 28 and 44 & 45 Vict, c 59 (S L R), respectively the third paragraph enacts that no pardon under the great seal shall be pleadable to an impeachment by the House of Commons

shall be due or to be made to her Majesty her heirs or successors for or concerning any lands tenements or other revenue that shall belong to her or them that shall be depending at the time of her Majesties demise (whom God long preserve) or of any of her heirs or successors shall be discontinued or put without day by reason of her or any of their deaths or demises but shall continue and remain in full force and virtue to be proceeded upon notwithstanding any such death or demise

5 And be it further enacted by the authority aforesaid[1] Nor hereafter by the demise of her present Majesty or any King or Queen of this realm shall any commission of assize oyer and terminer general goal-delivery or of association writ of admittance writ of si non omnes writ of assistance or commission of the peace be determined but every such commission and writ shall be and continue in full force and vertue for the space of six months next ensuing notwithstanding any such demise unless superseded and determined by her Majesty her heirs or successors and also no original writ writ of nisi prius commission process or proceedings whatsoever in or issuing out of any court of equity nor any process or proceeding upon any office or inquisition nor any writ of certiorari or habeas corpus in any matter or cause either criminal or civil nor any writ of attachment or processe for contempt nor any commission of delegacy or review for any matters ecclesiastical testamentary or maritime or any process thereupon shall be determined abated or discontinued by the demise of her Majesty or any King or Queen of this realm but every such writ commission process and proceeding shall remain in full force and vertue to be proceeded upon as if her Majesty or such other King or Queen had lived notwithstanding any such death or demise

No commission of association or writ herein mentioned determined by demise of the crown.

The like enactment as to original and other writs and proceedings herein mentioned.

6 And be it further enacted that all and singular the provisions matters clauses and things whatsoever contained in this Act[2] shall extend and be construed to extend to the kingdom of Ireland to the islands of Jersey and Guernsey and to all her Majesties dominions in America and elsewhere

This Act ... extended to Ireland, etc

[*Section 7 (Commencement)—Rep 30 & 31 Vict, c 59 Omitted as being spent*]

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6 Anne A D. 1707

Chapter XLI

Pot Parl., 6 Ann, p 5, n VIII

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8. And be it further enacted by the authority aforesaid that the privy council of her Majesty her heirs or successors for the kingdom of Great

Privy council not determined by

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[1] Portion repealed by 30 & 31 Vict, c 59 (S L R), is omitted as being spent

[2] Reference to 7 & 8 Will 3, c 27, was repealed by 34 & 35 Vict, c 116 (S L R), and is omitted as obsolete

death of Sovereign, nor the offices herein mentioned

Britain shall not be determined or dissolved by the death or demise of her Majesty her heirs or successors but such privy council shall continue and act as such by the space of six months next after such demise unless sooner determined by the next successors to whom the imperial crown of this realm is limited and appointed to go remain and descend

[*The rest of the section is omitted see 1 Edw 7, c 5*]

Rot. Parl., 7 Ann p 2, n 4

THE FOREIGN PROTESTANTS' NATURALIZATION ACT, 1708

(7 Anne, c 5.)

An Act for naturalizing Foreign Protestants

[*Whole Act except part printed rep 10 Anne, c 9* [1]]

Children of natural-born subjects, born out of England, deemed natural-born subjects

3. * * * * * * * *[2] the children of all natural-born subjects born out of the ligeance of her Majesty her heirs and successors shall be deemed adjudged and taken to be natural-born subjects of this kingdom to all intents constructions and purposes whatsoever [3]

THE BRITISH NATIONALITY ACT, 1730

(4 Geo 2, c 21)

An Act to explain a clause in an Act made in the Seventh year of the Reign of Her late Majesty Queen Anne (for naturalizing Foreign Protestants) which relates to the Children of the Natural-born Subjects of the Crown of England or of Great Britain

Preamble [7 Ann, c 5]

WHEREAS by an Act of Parliament made in the seventh year of the reign of her late Majesty Queen Anne [intituled An Act for naturalizing of foreign protestants] it is (among other things) enacted that the children of all natural-born subjects, born out of the ligeance of her said late Majesty, her heirs and successors, should be deemed, adjudged, and taken to be natural-born subjects of this kingdom to all intents, constructions, and purposes whatsoever

[10 Ann, c. 9]

And whereas in the tenth year of her said late Majesty's reign another Act was made and passed to repeal the said Act (except what related to the children of her Majesty's natural-born subjects born out of her [Maj]esty's allegiance)

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[1] This is numbered cap 5 in the Statutes at large
[2] Enacting words repealed (U K.), 51 & 52 Vict, c 3 (S L R)
[3] *See*, too, 4 Geo 2, c 21, 13 Geo 3, c. 21.

And whereas some doubts have arisen upon the construction of the said recited clause in the said Act of the seventh year of her late Majesty's reign

Now for the explaining the said recited clause in the said Act relating to children of natural-born subjects, and to prevent any disputes touching the true intent and meaning thereof, may it please your most excellent Majesty that it may be declared and enacted, and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the commons, in this present Parliament assembled, and by authority of the same, that all children born out of the ligeance of the crown of England or of Great Britain, or which shall hereafter be born out of such ligeance whose fathers were or shall be natural-born subjects of the crown of England or of Great Britain, at the time of the birth of such children respectively, shall and may, by virtue of the said recited clause in the said Act of the seventh year of the reign of her said late Majesty and of this present Act be adjudged and taken to be, and all such children are hereby declared to be natural-born subjects of the crown of Great Britain to all intents, constructions, and purposes whatsoever

Children of natural-born subjects, born out of the allegiance of the crown, declared to be natural born

Children of parents attainted of treason,

2 Provided always, and be it further declared and enacted by the authority aforesaid, that nothing in the said recited Act of the seventh year of her said late Majesty's reign, or in this present Act contained did, doth, or shall extend, or ought to be construed, adjudged, or taken to extend to make any children born or to be born out of the ligeance of the crown of England or of the crown of Great Britain to be natural-born subjects of the crown of England or of Great Britain, whose fathers at the time of the birth of such children respectively were or shall be attainted of high treason by judgment, outlawry, or otherwise, either in this kingdom or in Ireland, or whose fathers at the time of the birth of such children respectively by any law or laws made in this kingdom or in Ireland were or shall be liable to the penalties of high treason or felony in case of their returning into this kingdom or into Ireland without the licence of his Majesty, his heirs or successors, or of any of his Majesty's royal predecessors, or whose fathers at the time of the birth of such children respectively were or shall be in the actual service of any foreign prince or state then in enmity with the crown of England or of Great Britain, but that all such children are, were and shall be and remain in the same state, plight and condition to all intents, constructions, and purposes whatsoever as they would have been in if the said Act of the seventh year of her said late Majesty's reign or this present Act had never been made anything herein or in the said Act of the seventh year of her said late Majesty's reign contained to the contrary in any wise notwithstanding

or in actual service of foreign princes in enmity with the crown, excepted

3. [*Rep as to U K 30 & 31 Vict, c 59 (S L R) Omitted as being partly spent and partly inapplicable to India.*]

THE EAST INDIA COMPANY ACT, 1770.[1]

(10 Geo. 3, c. 47.)

An Act for better regulating persons employed in the service of the East India Company and for other purposes therein mentioned

1 [*Rep 33 Geo 3, c 52, s 146*]

2 And whereas sundry captains and other officers and mariners of ships, in the service of the said united company, bound to India, do oftentimes in a clandestine manner carry and transport to the East Indies aforesaid great quantities of artillery, ordnance, musquets, fire-arms, ammunition and warlike stores and there sell and dispose thereof to the natives, and also to powers in those parts at war or in enmity with the said united company, or to other persons through whose hands the same do or may come to the use of such powers, to the great injury of the publick as well as of the said united company and their possessions and trade in India therefore, to the end that such evil practices may for the future be remedied and prevented

Persons in service of company transporting warlike stores, etc

[2]* * * * * * all and every officer and officers, mariners, or other person or persons, in the service of the said united company, who shall, from and after the passing of this Act, carry, transport or send, or cause to be carried, transported or sent, to the East Indies aforesaid, or shall put or cause to be put on board any ship in the service of the said united company trading to the East Indies any artillery, ordnance, musquets, firearms, ammunition, or warlike stores of any kind whatsoever, or shall knowingly aid or assist therein, without the license or authority of the said united company, with intention or for the purpose of transporting, selling, trafficking, bartering, exchanging or otherwise uttering or disposing of the same in the East Indies, or within the limits of the said united company's trade, shall, in every such case, be deemed and adjudged to be guilty of a high crime and misdemeanour, and as such shall and may be prosecuted for the same in His Majesty's Court of King's Bench at Westminster,

Penalty

and such person or persons so offending, being convicted, shall be liable to such corporal punishment or fine as the said court shall think fit [3]

3 [*Rep as to U K 50 & 51 Vict, c 59 (S L R) Omitted as being obsolete and inapplicable to India*]

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[1] So much of this Act as subjects any persons concerned in the illicit trade to, in or from the East Indies therein recited, or in any trade thereby punishable, to any penalty or penalties, was repealed by 33 Geo 3, c 52, s 146

[2] The words "be it further enacted by the authority aforesaid that" have been omitted on the authority of section 4 of the Statute Law Revision Act, 1894 (57 & 58 Vict, c 56)—see *post*

[3] The whole of s 2 was omitted from the Act as printed in the *Statutes Revised*, Vol II, Ed 1871 It is reproduced, however, in the edition of 1889

4. And * * * * * [1]if any person or persons whatsoever employed by or in the service of the said united company, in any civil or military station, office, or capacity whatsoever in the East Indies, or deriving or claiming any power, authority, or jurisdiction by or from the said united company, shall, after the passing of this Act, be guilty of oppressing any of his Majesty's subjects beyond the seas within their respective jurisdictions, or in the exercise of any such station, office, employment, power, or authority derived or claimed by, from, or under the said united company, or shall be guilty of any other crime or offence, such oppressions, crimes, and offences shall and may be enquired of, heard and determined in his Majesty's Court of King's Bench in England, Company's servants in the East Indies guilty of oppression or other crime, may be tried in the Court of King's Bench, and punished as if offence committed in England

and such punishments shall be inflicted on such offenders as are usually inflicted for offences of the like nature committed in that part of Great Britain called England,

and [1]* * the same and all other offences committed against this Act may be alleged to be committed, and may be laid, enquired of, and tried in the county of Middlesex Crime may be alleged to be committed in Middlesex

5 [*Rep as to U K 56 & 57 Vict, c 61 Omitted as being inapplicable to India*]

6. And be it further enacted by the authority aforesaid that this Act shall be deemed and taken to be a public Act, of which notice shall be judicially taken by all judges, justices and other persons whatsoever, without specially pleading the same [2] Public Act.

7 [*Rep as to U K 56 & 57 Vict, c 61 Omitted as being inapplicable to India*]

THE BRITISH NATIONALITY ACT, 1772

(13 Geo. 3, c 21)

An Act to extend the Provisions of an Act, made in the Fourth year of the reign of His late Majesty King George the Second, intituled "An Act to explain a Clause in an Act, made in the Seventh year of the reign of Her late Majesty Queen Anne, for naturalizing Foreign Protestants, which relate to the children of the natural-born subjects of the Crown of England, or of Great Britain," to the Children of such Children

WHEREAS divers natural-born subjects of Great Britain who profess, and exercise the protestant religion, through various lawful causes, Preamble.

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[1] The enacting words and the word "that" before the words "the same" were repealed (U K) by 51 & 52 Vict, c 3 (S L R)
[2] S 6 was repealed as to the United Kingdom by 50 & 51 Vict, c 59 (S L R)

especially for the better carrying on of commerce, have been, and are, obliged to reside in several trading cities and other foreign places, where they have contracted marriages and brought up families

And whereas it is equally just and expedient that the kingdom should not be deprived of such subjects, nor lose the benefit of the wealth that they have acquired, and therefore that not only the children of such natural-born subjects, but their children also, should continue under the allegiance of his Majesty, and be intitled to come into this kingdom, and to bring hither and realize or otherwise employ their capital, but no provision hath hitherto been made to extend farther than to the children born out of the ligeance of his Majesty, whose fathers were natural-born subjects of the Crown of England, or of Great Britain

May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all persons born, or who hereafter shall be born, out of the ligeance of the Crown of England, or of Great Britain, whose fathers were or shall be, by virtue of a Statute made in the fourth year of King George the Second to explain a clause in an Act made in the seventh year of the reign of Her Majesty Queen Anne, for naturalizing foreign protestants, which relates to the natural-born subjects of the Crown of England, or of Great Britain, intitled to all the rights and privileges of natural-born subjects of the Crown of England, or of Great Britain, shall and may be adjudged and taken to be, and are hereby declared and enacted, to be natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom, any thing contained in an Act of the twelfth year of the reign of King William the Third, intituled "An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject," to the contrary in any wise notwithstanding

[4 Geo 2, c 21] [7 Ann c 5] [12 & 13 W 3, c 2]

Provisoes, etc, of 4 Geo 2, [c 21] not repealed by this Act

2 Provided always * * * *[1] that nothing in this present Act contained shall extend, or be constructed, adjudged, or taken to extend, to make any persons born or to be born out of the ligeance of the Crown of England, or of the Crown of Great Britain, to be natural-born subjects of the Crown of Great Britain contrary to all or any of the provisoes, exceptions, limitations, and restrictions, contained in the aforesaid Act made in the fourth year of the reign of his said late Majesty, or to repeal, abridge, or alter the same,

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

but all such clauses shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this present Act had never been made.

3. [*Rep. 34 & 35 Vict., c 48*]

4. Provided always * * * *[1] that no person shall be enabled hereby to defeat any estate, right, or interest which upon the last day of this session shall be lawfully vested in any other person, or to claim or demand any estate or interest which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue

Not to defeat any right vested in other person on the last day of this session.

In case of difference of opinion, the decision of the major part to be conclusive, and if votes equal the governor or eldest counsellor to have a casting voice

8. And * * * *[1] in all cases whatsoever wherein any difference of opinion shall arise upon any question proposed in any consultation, the said governor-general and council shall be bound and concluded by the opinion and decision of the major part of those present

and if it shall happen that, by the death or removal, or by the absence of any of the members of the said council, such governor-general and council shall happen to be equally divided, then and in every such case the said governor-general, or, in his absence, the eldest counsellor present, shall have a casting voice, and his opinion shall be decisive and conclusive

Power of the governor general in council in Madras, Bombay, and Bencoolen

9 And * * * *[1] the said governor-general and council or the major part of them, shall have, and they are hereby authorised to have power of superintending and controuling the government and management of the presidencies of Madras, Bombay and Bencoolen respectively, so far and in so much as that it shall not be lawful for any president and council of Madras, Bombay or Bencoolen for the time being to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said governor-general and council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the governor-general and council might arrive, and except in such cases where the said presidents and councils respectively shall have received special orders from the said united company,

and any president and council of Madras, Bombay or Bencoolen who shall offend in any of the cases aforesaid shall be liable to be suspended from his or their office by the order of the said governor-general and council,[2]

and every president and council of Madras, Bombay and Bencoolen for the time being shall and they are hereby respectively directed and required to pay due obedience to such orders as they shall receive touching the premises from the said governor-general and council for the time being * * * * *[3],

and the said governor-general and council for the time being shall and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the court of directors of the said united company, and to correspond from time to time, and constantly and diligently transmit to the said court an exact particular of all

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

[2] Modified by 33 Geo 3, c 52, s 43

[3] Words repealed by 55 & 56 Vict , c 19 (S L R), have been omitted

advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge relating to the government, commerce, revenues or interest of the said united company, * * * * * * * * *[1]

10 And * * * *[2] Warren Hastings, Esquire, shall be the first governor-general, and lieutenant-general John Clavering, the Honourable George Monson, Richard Barwell, Esquire, and Philip Francis Esquire, shall be the four first councellors,

and they and each of them shall hold and continue in his and their respective offices for and during the term of five years from the time of their arrival at Fort William in Bengal, and taking upon them the government of the said presidency, * * * * ,[1]

and from and after the expiration of the said term of five years, the power of nominating and removing the succeeding governor-general and council shall be vested in the directors of the said united company[3]

11. [*Rep as to U K 50 & 51 Vict , c 59 (S L R) Omitted as being spent*]

12 [*Rep 55 & 56 Vict , c 19 (S L R)*]

13 And whereas his late Majesty King George the Second did by his letters patent, bearing date at Westminster this eighth day of January, in the twenty-sixth year of his reign, grant unto the said united company of merchants of England trading to the East Indies his royal charter, thereby amongst other things, constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the said united company's respective settlements at Madras-patnam, Bombay on the Island of Bombay, and Fort William in Bengal, which said charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the company's presidency of Fort William in Bengal, so long as the said company shall continue in the possession of the territorial acquisitions before mentioned, do and must require

Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a chief justice and three other judges, being barristers in England or Ireland, of not less than five years standing to be named from time to time by his Majesty, his heirs and successors,

His Majesty may, by charter or letters patent, establish a Supreme Court of Judicature at Fort William, to consist of a chief justice and three other judges

[1] Words repealed by 55 & 56 Vict , c 19 (S L R), have been omitted
[2] Enacting words repealed (U K), 51 & 52 Vict , c. 3 (S L R)
[3] Seems spent, but is probably the origin of the five years' rule which is still observed in practice

which said Supreme Court of Judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty and ecclesiastical jurisdiction, and to appoint such clerks and other ministerial officers of the said court, with such reasonable salaries, as shall be approved of by the said governor-general and council, and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be found necessary for the administration of justice and the due execution of all or any of the powers which, by the said charter, shall or may be granted and committed to the said court, and also shall be at all times a court of record, and shall be a court of oyer and terminer and goal-delivery, in and for the said town of Calcutta and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto

Extent of the jurisdiction and powers of his Majesty's charter,

14 Provided nevertheless [1] * * * * that the said new charter which his Majesty is hereinbefore impowered to grant, and the jurisdiction, powers, and authorities to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Behar and Orissa, or any of them, under the protection of the said united company, and the same charter shall be competent and effectual,

and the Supreme Court of Judicature

and the Supreme Court of Judicature therein and thereby to be established shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanours or oppressions, committed or to be committed, and also to entertain, hear and determine any suits or actions whatsoever against any of his Majesty's subjects in Bengal, Behar and Orissa, and any suit, action or complaint against any person who shall, at the time when such debt or cause of action or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said united company, or of any of his Majesty's subjects

Indictments and informations against governor general, etc

15 Provided also, that the said court shall not be competent to hear, try or determine any indictment or information against the said governor-general, or any of the said council for the time being, for any offence (not being treason or felony) which such governor-general or any of the said council shall or may be charged with having committed in Bengal, Behar and Orissa

16 [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

The governor-general, council, etc, not

17 And [1] * * * * nothing in this Act shall extend to subject the person of the governor-general or of any of the said council or

[1] Enacting words repealed (U K.), 51 & 52 Vict, c 3 (S L R)

chief justice and judges respectively for the time being to be arrested or imprisoned upon any action, suit or proceeding in the said court

subject to be arrested or imprisoned

18 & 19. *[Rep 55 & 56 Vict , c 19 (S L R), s 18 also rep as to B I by VI of 1874, s 2 and sch , and s 19 by XIV of 1870, s 1 and sch]*

20 *[Rep as to U K 50 & 51 Vict , c 59 (S L R), rep also as to B I by XIV of 1870, s 1 and sch]*

21 & 22 *[Rep as to U K 50 & 51 Vict , c 59 (S L R) Omitted as being rendered obsolete by 3 & 4 Will 4, c 85, s 76, 24 & 25 Vict , c 67, s 4, and c 104, s 6]*

23 And * * * *[1] no governor-general or any of the council of the said united company's presidency of Fort William in Bengal, or any chief justice or any of the judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use or on his or their behalf accept, receive or take, of or from any person or persons, in any manner or on any account whatsoever, any present, gift, donation, gratuity or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity or reward, * * * *[2]

The governor-general or council, etc , shall not accept of any present

24 And * * * *[1] from and after the first day of August one thousand seven hundred and seventy-four no person holding or exercising any civil or military office under the crown or the said united company in the East Indies, shall accept, receive or take, directly or indirectly, by himself or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia) any present, gift, donation, gratuity or reward, pecuniary or otherwise, upon any account or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity or reward, * * * *[3]

No person holding a civil or military office under the crown shall accept any donation or gratuity

25 Provided always * * * *[1] that nothing herein contained shall extend or be construed to extend to prohibit or prevent any person or persons who shall carry on or exercise the profession of a counsellor at law, a physician or a surgeon, or being a chaplain, from accepting, taking or receiving any fees, gratuities or rewards, in the way of their profession

Counsellors, physicians, surgeons, and chaplains excepted.

26 to 29 *[Rep 24 Geo 3, Sess 2, c 25, s 47, and 33 Geo 3, c 52, s 146, 27 to 29 also rep as to B I by XIV of 1870, s 1 and sch]*

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

[2] Rest of the section making it unlawful for the governor general, or members of his council or the chief justice or judges of the Supreme Court to be concerned in traffic or commerce is omitted as being repealed by 33 Geo 3, c. 52, s 146

[3] Rest of the section subjecting such person to penalties and forfeitures is omitted as being repealed by 24 Geo 3, Sess 2, s 47

any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench closed up, and under the seals of two or more of the judges of the said court and one or more of the said judges shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come,) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or, if such agent be dead, in what manner the same came into his hands), and that the same has not been opened or altered since he so received it (which said oath such clerk in court is hereby authorised and required to administer)

and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined *vivâ voce* at any trial for such crimes or misdemeanours as aforesaid in his Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding, and all parties concerned shall be intitled to take copies of such depositions at their own costs and charges

Offences against this Act committed by the chief justices or judges to be determined by the Court of King's Bench

41 And * * * *[1] in case the said chief justice or judges of the said Supreme Court of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice or other crime, offence, or misdemeanour in the execution of their respective offices, it shall and may be lawful for his Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said court for such crime, offence or misdemeanour, upon motion to be made in the said court, to award such writ or writs of mandamus as aforesaid, requiring the governor-general and council of the said united company's settlement at Fort William aforesaid, who are hereby respectively authorised and required accordingly, to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are herein-before respectively directed and prescribed concerning the examination of witnesses; and such examination so taken shall be returned and proceeded upon in the same manner in all respects as if the several directions herein-before prescribed and enacted in that behalf were again repeated

The chancellor, or speaker of the House of Commons, may issue warrants for the examina-

42 And * * * *[1] in all cases of proceedings in Parliament touching any offences against this Act, or any other offences committed in India, it shall and may be lawful for the lord high chancellor or speaker of the House of Lords, and also for the speaker of the House of Commons for the time being, in like manner to issue his or

[1] Enacting words repealed (U K), 51 & 52 Vict, c. 3 (S L R)

their warrant or warrants to the governor-general and council of the said united company's presidency of Fort William, and to the chief justice and judges of the said Supreme Court of Judicature, or the judges of the Mayor's Court at Madras, Bombay or Bencoolen, as the case may require, for the examination of witnesses,

tion of witnesses in India, which shall be deemed competent evidence to both houses of Parliament

and such examination shall be returned to the said lord high chancellor or speaker of the House of Lords, or to the speaker of the House of Commons respectively, and proceeded upon in the same manner in all respects as if the several directions hereinbefore prescribed and enacted in that behalf were again particularly repeated, and every such examination, returned either to the lord chancellor or speaker of the House of Lords, or to the speaker of the House of Commons as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both houses of Parliament, or either of them respectively, as occasion may require, any law or usage to the contrary notwithstanding

43 And whereas by the usage and custom of Parliament, no proceedings by bill in Parliament have continuance from one session to another

And whereas it would be impracticable that the examination taken upon such warrant as aforesaid could ever be returned within the ordinary length of a session of Parliament

No proceedings in Parliament touching offences in India to be discontinued by prorogation or dissolution

Be it enacted by the authority aforesaid, that from and after the first day of November one thousand seven hundred and seventy-three, no proceedings in Parliament touching any offence committed or to be committed in India, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of the Parliament, but that such proceedings may be resumed and proceeded upon in a subsequent session or in a subsequent Parliament, in either house of Parliament, in like manner to all intents and purposes as they might have been in the course of one and the same session, any law, usage or custom to the contrary notwithstanding

Writs of mandamus may be awarded by the courts at Westminster, when the company commence suits in law or equity there, for examination of witnesses as in India

44 And whereas his Majesty's subjects are liable to be defeated of their several rights, titles, debts, dues, demands or suits for which they have cause arising in India against other subjects of his Majesty

Now, for preventing such failure of justice, be it further enacted by the authority aforesaid, that when and as often as the said united company, or any person or persons whatsoever, shall commence and prosecute any action or suit in law or equity, for which cause hath arisen or shall hereafter arise in India, against any other person or persons whatever, in any of his Majesty's courts at Westminster, it shall and may be lawful for such court respectively, upon motion there to be made to provide and award such writ or writs in the nature of a mandamus, or commission as aforesaid to the chief justice and judges of the said Supreme Court of Judicature for the time being, or the judges of the

Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, for the examination of witnesses as aforesaid,

and such examination, being duly returned, shall be allowed and read, and shall be deemed good and competent evidence, at any trial or hearing between the parties in such cause or action, in the same manner in all respects as if the several directions herein-before prescribed and enacted in that behalf were again repeated

No depositions returned to be allowed as evidence in capital cases not proceeded against in Parliament.

45 Provided nevertheless * * * *[1] that no such depositions taken and returned as aforesaid by virtue of this Act shall be allowed or permitted to be given in evidence in any capital cases other than such as shall be proceeded against in Parliament, anything in this Act contained to the contrary notwithstanding

46. [*Rep 55 & 56 Vict , c 19 (S L R)*]

Public Act

47. And be it further enacted by the authority aforesaid that this Act shall be deemed and taken to be a public Act, of which notice shall be judicially taken by all judges, justices and other persons whatsoever, without specially pleading the same [2]

THE EAST INDIA COMPANY ACT, 1780 [3]

(21 Geo 3, c 70)

An Act to explain and amend so much of an Act made in the Thirteenth Year of the Reign of his present Majesty, intituled "An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe," as relates to the Administration of Justice in Bengal, and for the relief of certain Persons imprisoned at Calcutta in Bengal under a Judgment of the Supreme Court of Judicature, and also for indemnifying the Governor-General and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court

Preamble. Recital of 13 Geo 3, c 63.

WHEREAS, in virtue of an Act passed in the thirteenth year of his present Majesty's reign, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," his Majesty, by his royal letters patent of the twenty-sixth day of March, in the fourteenth year of his reign, did create and constitute a court of record, to be within the factory of Fort William at Calcutta in Bengal, called the Supreme

[1] Enacting words repealed (U K) 51 & 52 Vict , c 3 (S L R)
[2] S 47 was repealed as to the U K by 50 & 51 Vict , c 59 (S L R)
[3] Ext Act XXIII of 1850, s 12, Act XII of 1851, s 16

Court of Judicature at Fort William in Bengal, with sundry directions, powers, and authorities to the said court in the said letters patent set forth and expressed

And whereas many doubts and difficulties have arisen concerning the true intent and meaning of certain clauses and provisions in the said Act and letters patent, and by reason thereof dissension hath arisen between the judges of the Supreme Court and the governor-general and council of Bengal, and the minds of many inhabitants subject to the said government have been disquieted with fears and apprehensions, and further mischiefs may possibly ensue from the said misunderstandings and discontents if a reasonable and suitable remedy be not provided

And whereas it is expedient that the lawful government of the provinces of Bengal, Behar and Orissa should be supported that the revenues thereof should be collected with certainty and that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights and privileges

main liable to any complaint before a competent court in this kingdom

council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit or process before any competent court in this kingdom, or to give any other authority whatsoever to their acts than acts of the same nature and description had by the laws and statutes of this kingdom before this Act was made

If any person making complaint to the Supreme Court against the governor-general, etc, shall execute a bond to the company to prosecute the same in some competent court in Great Britain, etc,

5. And in order to prevent all abuse of the powers given to the governor-general and council, be it further enacted, that in case any person by himself or his attorney or counsel shall make a complaint to the Supreme Court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said governor-general or any member or members of the council, or any other person or persons by or in virtue of any order given by the said governor-general and council, and shall execute a bond with some other person whom the said court shall deem responsible jointly and severally, to the United East India Company, in such a penalty as the court shall appoint, effectually to prosecute the said complaint by indictment, information or action in some competent court in Great Britain, within two years of the making of the same, or of the return into Great Britain of the party or parties against whom the same is made, that then and in such case the party complaining shall be and is hereby enabled to compel by order of the court the production in the said Supreme Court of true copy or copies of the order or orders of council complained of, and to have the same authenticated by the court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of,

such person may compel, by order of the court, the production of copies of the orders complained etc

and the said parties, as well complaining as complained of, shall have and enjoy severally all manner of advantages, rights and privileges relative to proof of the said complaint or defence, and also relative to any mandamus or commission to be issued by any of his Majesty's courts in Westminster-hall, in case the court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an Act of the thirteenth year of his Majesty's reign, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe,"

and the Supreme Court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom, as are provided by the said recited Act

6 And * * * *[1] all copies so authenticated of orders of the said governor-general and council, and also the depositions which shall have been taken in manner aforesaid before the Supreme Court, shall be received in evidence in any of his Majesty's courts of law or equity at Westminster

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[1] Enacting words repealed (U K) 51 & 52 Vict c 3 (S L R)

7 And * * * *[1] no prosecution or suit shall be carried on against the said governor-general or any member of the council before any court in Great Britain (the High Court of Parliament only excepted) unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in England

Limitation of actions

8 And * * * *[1] the said Supreme Court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any act or acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the governor-general and council

Supreme Court not to have any jurisdiction in any matter concerning the revenue

9 to 16. [*Rep 55 & 56 Vict , c 19 (S L R), also rep as to B I by XIV of 1870, s 1 and sch*]

17 Provided always * * *[1] that the Supreme Court of Judicature at Fort William in Bengal shall have full power and authority to hear and determine in such manner as is provided for that purpose in the said charter or letters patent all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta

How the Supreme Court shall determine actions between Mahomedan and Gentû inhabitants of Calcutta

Provided that their inheritance and succession to lands, rents and goods, and all matters of contract and dealing between party and party, shall be determined in the case of Mahomedans by the laws and usages of Mahomedans, and in the cases of Gentûs by the laws and usages of Gentûs, and where only one of the parties shall be a Mahomedan or Gentû, by the laws and usages of the defendant

18 And in order that regard should be had to the civil and religious usages of the said natives, be it enacted, that the rights and authorities of fathers of families and masters of families according as the same might have been exercised by the Gentû or Mahomedan law shall be preserved to them respectively within their said families,

The authority of fathers and masters of families among the natives to be preserved, etc

nor shall any acts done in consequence of the rule and law of caste respecting the members of the said families only be held and adjudged a crime although the same may not be held justifiable by the laws of England

19 to 26 [*Rep 55 & 56 Vict , c 19 (S L R), XIV of 1870, s 1 and sch*]

27 & 28 [*Rep 35 & 36 Vict , c 63 (S L R)*]

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

THE EAST INDIA COMPANY ACT, 1784 [1]

(24 Geo 3, Sess 2, c. 25.)

An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of offences committed in the East Indies

1 to 63 [*Rep 35 & 36 Vict, c 63 (S L R)*]

Method of procedure against British subjects who shall be guilty of extortion or other misdemeanors in the East Indies

64 And whereas it would conduce to the better government, management and ordering of the territories, possessions, revenues and commerce of the said united company [2] if some more effectual course than the common law hath provided were devised for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors committed in the East Indies by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said united company

Be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the coroner and attorney of our lord the King in the Court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose at the instance of any person or persons (and which rule the said court is hereby impowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said court to render it proper), or for his Majesty's attorney general, or for the court of directors or court of proprietors of the said united company in the name of the said united company, to exhibit in the said Court of King's Bench an information against any such person for any such offence as aforesaid committed after the first day of March one thousand seven hundred and eighty-five,

whereupon the said court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the prison of the Marshalsea or to the Tower of London or to the gaol of Newgate, at the discretion of the said court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money and with such condition for his appearance and for satisfying the judgment to be pronounced in and upon such information, as to the said court in its discretion shall seem meet,

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[1] This Act is commonly known as Pitt's Act It first constituted the Board of Control

[2] *i e*, the United Company of Merchants trading to the East Indies

and when the defendant shall have appeared and pleaded to the said information, the chief justice or some of the justices of the said Court of King's Bench shall within ten days (unless any mandamus shall be granted for the examination of witnesses as herein-after provided, upon a motion to be made within a time to be limited by the said Court of King's Bench for that purpose) deliver the record of the said information and plea to the lord high chancellor of Great Britain, or lord keeper or lords commissioners for the custody of the great seal of Great Britain, who shall thereupon issue a commission under the said great seal in manner herein-after provided

If any person accused shall neglect to appear, etc, the information shall proceed notwithstanding

65 And * * * *[1] if any person or persons against whom any information shall be exhibited under the authority of this Act shall neglect, or refuse, within such respective times as shall be allowed to him or them for those purposes by the rules or according to the discretion of the said court to appear and plead not guilty to such information, it shall and may be lawful for his Majesty's attorney general or other prosecutor to cause an appearance and the plea of not guilty to be entered for such person or persons, and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto

Constitution of Commission

66 And * * * *[1] within thirty days from the commencement of the next and every future session of Parliament, the lords spiritual and temporal shall proceed to chuse, nominate and appoint twenty-six or more members of their house, and the commons of Great Britain, in Parliament assembled, forty or more members of the said House of Commons, to be chosen by ballot,

and the speaker of each house respectively shall cause the list of the said names so chosen to be transmitted under their respective hands and seals to the clerk of the Crown in Chancery or his deputy,

and * *[2] whenever a commission is to be issued under the great seal of Great Britain by virtue of this Act the lists so returned shall be delivered over to such three judges of the courts of King's Bench, Common Pleas or Exchequer, as the said courts shall for that purpose respectively appoint, one judge being nominated from each of the said courts respectively,

and if the said lists shall contain more than twenty-six members of the House of Lords or forty of the House of Commons respectively, the said judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both houses respectively (as the case may happen) to be put into a box or boxes, and twenty-six names of the said peers and forty names of the said commons to be publickly drawn by lot in the presence of the said judges,

[1] Enacting words repealed (U K) 51 & 52 Vict , c 3 (S L R)
[2] The word " that " was repealed (U K), *ibid*

and * *[1] the said three judges shall have power and authority, and they are hereby required to give notice to all such members of the two houses of Parliament, whose names shall have been so returned or drawn by lot as aforesaid, and also to his Majesty's attorney general or other prosecutor, and also to the party accused, as the case may require, of the time and place to be appointed by the said judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this Act, and the names of all such members of either House of Parliament as shall not attend in consequence of such notice shall be transmitted to the speaker of each house respectively within three days if Parliament be then sitting, or if not, within three days after the next meeting of Parliament,

and all such persons as shall appear to have made default as aforesaid shall forfeit to his Majesty, his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each House of Parliament respectively to be valid and sufficient,

and if any member of either House of Parliament whose name shall have been drawn by lot in the presence of the said judges as aforesaid shall have departed this life, or shall hold any civil office of profit under the crown during his Majesty's pleasure, or shall be or shall have been a member of the said board for the affairs of India,[2] or shall be or shall have been a director of the said company, or shall hold or shall have held any office or employment in the service of the said company in India, then in each and every such case another name shall be drawn out of the same box (if any such name there be) instead of the name of such person

The senior judge present to be president of the meeting

67 And * * * *[3] the senior of the said three judges present at the respective meetings of the said special commissioners shall be the president of such meeting or meetings, and * *[1] all questions, resolutions and determinations before the said special commissioners shall be by a majority of voices of the special commissioners then and there present,

and if the voices shall be equal, the then president shall have a second or casting voice

Manner of chusing the twenty six members of the House of Peers

68 And * * * *[3] the members of the House of Peers hereby directed to be named by the said house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following, (that is to say,) * *[1] at any time within thirty days from the commencement of the next and every future session of Parliament, when it shall appear that there are fifty lords spiritual and temporal at the least then present, the lords shall be called, and if there are fifty present the lords shall thereupon proceed to deliver in at the table lists, each of which lists shall

[1] The word " that " was repealed (U K) by 51 & 52 Vict , c 3 (S L R)
[2] *i e*, the Board of Commissioners for the Affairs of India
[3] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

contain the names of twenty-six lords, and shall be signed by the lord who delivers such list, which list being delivered in shall be referred to a committee of lords to be then appointed, who shall examine the said lists, and forthwith report to the house the name of every such lord whose name shall appear on ten such lists,

and if the names so returned shall not amount to twenty-six at the least, the lords present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of twenty-six, and so as often as the case shall happen, and no lord present when the house shall be called over shall depart until the said lists of twenty-six peers shall be made as aforesaid

Manner of chusing the forty members of the House of Commons

69 And * * * *[1] the members of the House of Commons hereby directed to be named by that house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following, (that is to say,) * *[2] at any time within thirty days from the commencement of the next and every future session of Parliament (and after the speaker of the said house shall have taken the chair), it shall and may be lawful for any member after four of the clock in the afternoon to require that the doors of the house shall be locked, and that the house shall be told by the speaker,

and if it shall appear that there are two hundred members or more then present the members of the house shall thereupon proceed to deliver in at the table lists, each of which lists shall contain the names of forty members, which lists being delivered in shall be referred to a committee of five members to be then appointed, who shall examine the said lists, and shall forthwith report to the house the name of every such member whose name shall appear on twenty of the said lists,

and if the names so returned shall not amount to forty at the least the members present shall be required to deliver in fresh lists each list containing a number of names equal to that number by which the list returned shall fall short of forty, and so as often as the case shall happen; and the doors of the house shall not be opened until the said list of forty members or more shall be fully completed in manner aforesaid.

thirteen peers and twenty commoners

of forty commoners, which shall have been drawn by lot in presence of the three judges as aforesaid, as shall personally appear at the time and place appointed as aforesaid, shall be put into a box, to be drawn out by lot in presence of the said judges and of the parties or their counsel or agents,

Prosecutor may also make challenges

and the person against whom such information shall have been exhibited as aforesaid shall have the liberty, as the said names are drawn out, to make peremptory challenges to the number of thirteen of the peers and twenty of the members of the House of Commons whose names shall have been put into the said box, and his Majesty's attorney general or other prosecutor, as the case may happen, shall have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as in the opinion of the three judges or the majority of them shall appear in their discretion sufficient to set them aside for the purpose of obtaining them equal justice,

The first four names of the peers, and the first six of the commoners, drawn out after the challenges, etc, shall be returned by the three judges to the lord chancellor, to be inserted, with those of the said judges, in a special commission, etc

and the first four names of the said peers, and likewise the first six names of the said commoners, which shall be drawn out after the said number of challenges respectively, or which, being drawn out, shall not be so challenged, shall be returned by the said judges to the lord high chancellor, who shall cause the names of the said peers and members of the House of Commons, together with those of the said three judges appointed as aforesaid, to be inserted in the special commission to be issued by virtue of this Act,

and the persons whose names are so inserted in the commission shall appear within ten days at the time and place to be appointed by the said three judges, and take the following oath before the lord high chancellor or lord keeper or lords commissioners of the great seal for the time being, or any one of them

Oath to be taken by the special commissioners

I, A B, do swear, that I will well and truly try and determine, to the best of my judgement, the matter now to be brought before me, according to the evidence that shall be given

So help me GOD

And in case the challenges shall reduce the number of names so drawn out to less than four peers and six commoners respectively, then and in such case the said three judges shall certify the same to the respective houses of Parliament, who shall proceed with all convenient dispatch to appoint and ballot afresh for lists of members to be transmitted to the clerk of the crown or his deputy, and afterwards to be inserted in a new commission to be issued in the manner herein-before directed,

Their powers

and the said special commissioners shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgement of the common law upon convictions had and obtained according to the course of the

the attendance of witnesses

any witness or witnesses as or on behalf of any person or persons prosecuted under the authority of this Act, may be issued out of the Crown Office of the Court of King's Bench,

Non attendance to be deemed a misdemeanor

and in case any witness having due notice of such subpœna shall not attend in obedience to such subpœna his non-attendance shall be deemed a misdemeanor and subject him to be indicted,

Punishment for refusal to be examined

and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said special commissioners to punish such witness by fine or imprisonment at their discretion

Commissioners may send for persons, papers and records, etc,

75 And * * * *[1] the said special commissioners shall have full power and authority by virtue of this Act to send for persons, papers and records, and to examine all witnesses who shall come or be brought before them upon oath, to be taken before them, and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into writing, and to be signed and subscribed by such witnesses respectively,

and may commit prevaricators to the Fleet, etc

and if any person brought before the said special commissioners shall prevaricate in his evidence or shall otherwise misbehave himself before the said special commissioners, the said special commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet or the gaol of Newgate, there to remain for such time as the said special commissioners shall appoint, unless the said commissioners shall order them to be released sooner, which they are hereby impowered to do,

False evidence to be perjury

and if any such witness shall wilfully give any false evidence before the said special commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly

The recognizance aforesaid shall bind all the goods and lands of the principal party at the time of entering into the same, etc

76 And * * * *[1] the recognizance to be entered into as aforesaid shall bind the property of all and singular the goods and chattels which were the goods and chattels of the principal party entering into such recognizance at the time of his entering into the same, or which he shall or may acquire at the time afterwards, and before he shall be discharged from such recognizance,

and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seised or possessed, or whereof any person or persons in trust for the party so entering into such recognizance (at the time of his entering into the same or at any time afterwards and before he shall be discharged therefrom) shall be seised or possessed

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

oaths of skilful interpreters, administered according to the forms of their several religions, and shall by some sworn officer of such court be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty in his Court of King's Bench closed up and under the seals of two or more of the judges of the said supreme court, and one or more of the judges of the said supreme court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or in case of his or their death the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or in what manner the same came into his hands), and that the same has not been opened or altered since he so received it (which said oath such clerk in court is hereby authorized and required to administer),

and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read before the said special commissioners, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined vivâ voce at any trial before the said special commissioners for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding,

and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges,

Chief justice of the King's Bench, etc, to deliver the deposition, etc., to the lord chancellor

and the chief justice of the said Court of King's Bench or one of the judges of the said court shall with all convenient speed after such deposition shall have been so received, together with the said information and plea, cause the same to be delivered over to the lord high chancellor or lord keeper or lords commissioners for the custody of the great seal of Great Britain, who shall thereupon issue the commission under the great seal in the manner by this Act directed

Delivery thereof to be during term

79 Provided always * * * *[1] that no information or plea, or deposition which by this Act is directed to be delivered over by the chief justice of the Court of King's Bench or one of the judges of the said court to the lord high chancellor or lord keeper or lords commissioners for the custody of the great seal of Great Britain, shall be so delivered over at any other time than during some one of the three usual and accustomed terms hereinafter mentioned, that is to say, Hilary term, Easter term or Michaelmas term

Writings received by the court of directors

80. And in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country by such evidence as the nature of the case will render practicable

[1] Enacting words repealed (U K.), 51 & 52 Vict, c 3 (S L R.)

Be it further enacted, that in all proceedings upon such information as aforesaid as well the depositions taken under such commission or commissions after the publication thereof, as also all writings which shall have been transmitted from the East Indies to the court of directors of the said united company by their officers or servants resident in the East Indies in the usual course of their correspondence with the said court of directors, and copies of all writings which shall have been transmitted by the said court of directors or by any committee thereof to the officers and servants of the said united company resident in the East Indies, and which in any manner relate to the subject matter of the charge to be contained in such information or to the defence to be made thereto, may be admitted by the said commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent unless upon objections arising from the nature of the contents of the said writings, subject nevertheless to be impeached in point of credibility by such observations and objections as the nature of such evidence or other circumstances may suggest, any rule of the common law to the contrary notwithstanding

from India, and copies of writings sent by the court to their servants there, relative to the charge in the information, etc, may be admitted by the Commissioners as evidence

81 And * * * *[1] the said Court of King's Bench shall have power and authority at the prayer of his Majesty's attorney general or other prosecutor or of the party against whom such information shall be exhibited, to order an examination de bene esse of witnesses upon interrogatories to be had and taken before an examiner to be by them appointed for that purpose, or by commission as the case shall require, and to cause the depositions of such witnesses to be published when the same shall appear to them to be proper and necessary, and which depositions shall be afterwards admitted to be read in evidence before the said commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid, saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid

Court of King's Bench, at the prayer of the prosecutor, etc, may order an examination de bene esse of witnesses upon interrogatories, etc

82 And * * * *[1] no prosecution in consequence of this Act shall be commenced unless within the space of three years after the return of the party prosecuted into Great Britain, or within three years after the delivery of the inventory or particular required by this Act

Limitation of prosecutions

83. Provided always * * * *[1] that nothing herein contained shall extend or be construed to extend to prejudice or affect the rights or claims of the publick or the said united company respecting the said territorial acquisitions and revenues.

Not to affect the claims respecting the territorial acquisitions.

84 [*Rep as to U. K 50 & 51 Vict, c 59 (S. L R) Omitted as being spent.*]

85. And * * * * this Act shall, and shall be deemed and taken to be, a public Act.[2]

Public Act.

[1] Enacting words repealed (U. K.), 51 & 52 Vict., c. 3 (S L R.)
[2] S 85 was repealed as to the U. K. by 50 & 51 Vict., c. 59 (S. L. R.)

THE EAST INDIA COMPANY ACT, 1786.

(26 Geo 3, c. 57.)

An Act for the further regulation of the Trial of Persons accused of certain Offences committed in the East Indies, * * * *,[1] *and for the more easy Proof, in certain cases, of Deeds and Writings executed in Great Britain or India*

Preamble Recital of Act 24 Geo 3, Sess 2, c 25

WHEREAS by an Act made in the twenty-fourth year of his Majesty's reign, intituled "An Act for the better regulation and management of the affairs of the East India Company and of the British possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies," divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion and other misdemeanors committed in the East Indies by British subjects in the service of his Majesty or of the said company, and particularly for constituting a special court of judicature for the trial of any information to be exhibited in his Majesty's Court of King's Bench against such offenders, under and by virtue of a commission to be awarded under the great seal of Great Britain, directed to four members of the House of Peers, six members of the House of Commons, and three of the judges of his Majesty's courts of law at Westminster, such members and judges to be selected and chosen in the manner prescribed by the said Act, and the said special commissioners to be so constituted by such commission, or any seven or more of them (of whom one of the said three judges was to be one), were by the said Act invested with full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement at common law upon convictions had and obtained according to the course of the common law for extortion and other misdemeanor

And whereas the selection of the members of the said respective Houses of Parliament for the purposes aforesaid may be rendered more easy and convenient

And whereas it is judged expedient that instead of seven not less than ten commissioners to be constituted by such commission as aforesaid should have authority to hear and determine any such information, and for that purpose that a greater number of members of each House of Parliament than is directed by the said Act should, together with the said three judges, be named and authorized as commissioners in and by such commission

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[1] Portion relating to partial repeal of 24 Geo 3, Sess 2, c 25, omitted, it was repealed (U K) by 50 & 51 Vict, c 59 (S L R)

And whereas it is also expedient that for giving greater vigour and efficacy to the proceedings and judgements of the said special commissioners further regulations should be provided and established

May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the members of the House of Lords by the said Act directed to be named by the said house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following and not otherwise, any thing in the said recited Act contained to the contrary notwithstanding, (that is to say,) that within the first thirty sitting days of the House of Lords in every future session of Parliament the members of the said house or any of them may respectively deliver in at the table lists inclosed in covers sealed up, and having the words "East India Judicature" and their respective names or titles of honour by which they are generally known and distinguished indorsed on the outside thereof in their respective proper hand writing, every such list containing the names or titles of twenty-six peers,

Within the first thirty sitting days of each house in every session lists of twenty six names to be delivered in, sealed up, by the members of the upper house, from which shall be selected twenty-six peers,

and that on the first sitting day after the expiration of the said thirty days the clerk of the Parliaments or his deputy or assistant, or such other person as the said house shall direct, shall prepare and lay upon the table of the said house a list of the names or titles of the lords who shall within the said thirty days have delivered such lists,

and that on the next sitting day of the said house the said cover shall be opened by the clerk of the Parliaments or his deputy or assistant or such other person as the said house shall direct, by the order of the speaker of the said house, during the sitting of the said house, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box, and the said lists shall be referred by the said house to a committee, who shall examine the same and within such time as the said house shall direct report to the house the name or title of every lord whose name or title shall appear in ten or more of such lists, and if the names or titles of the respective members so returned shall not amount to twenty-six members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this Act, the members of the said house or any of them may on any of the next seven sitting days of the said house deliver in fresh lists in covers sealed up and indorsed in the manner herein-before directed, each of such lists containing a number of names or titles of members of the said house equal to that number by which the list returned by the committee shall, exclusively of the members struck out as aforesaid, fall short of twenty-six, and the said covers shall be opened and the lists disposed of, referred and proceeded upon after the end of

the said seven days in the manner herein-before directed in respect to the said former lists

and like lists of forty names to be delivered in by the members of the House of Commons, from which shall be selected forty members

2 And * * * *[1] that the members of the House of Commons to be named by that house for the purposes aforesaid shall be chosen, nominated and appointed in the manner following and not otherwise, any thing in the said recited Act contained to the contrary notwithstanding, (that is to say,) that within the first thirty sitting days of the said house in every future session of Parliament the members of the said house or any of them may respectively deliver in at the table lists inclosed in covers sealed up, and having the words "East India Judicature" and their respective names indorsed on the outside thereof in their respective proper hand writing, each of which lists shall contain the names of forty members of the said house,

and that on the first sitting day after the expiration of the said thirty days the clerk of the said house or his deputy or assistant, or such other person as the house shall direct, shall prepare and lay upon the table the names of all the members who shall have delivered such lists,

and that on the next sitting day of the said house the clerk of the said house, or any or either of such other persons as aforesaid, shall at the table during the sitting of the said house, by the order of the speaker, take the lists out of the said covers and put the said lists together into a box, and the said lists shall be immediately referred by the said house to a committee, who shall examine the same, and within such time as the house shall direct report to the house the name of every member whose name shall appear in twenty or more of the said lists, and if the names so returned shall not amount to forty at the least, exclusively of such of the said members therein named as shall be struck out of the said lists according to the directions of this Act, the members of the said house, or any of them may on any of the next seven sitting days of the said house, deliver in at the table of the said house fresh lists in covers sealed up and indorsed in the manner herein-before directed, each list containing a number of names of members of the said house equal to that number by which the list returned by the said committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred and proceeded upon after the end of the said seven days in the manner herein-before directed in respect to the said former lists,

and that the like order and course respectively as aforesaid shall be taken in each House of Parliament until the said numbers of twenty-six members of the House of Lords and forty members of the House of Commons shall have been returned to the said respective houses by the committees to whom the said lists shall be referred, exclusively of such of

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

the members so returned as shall be struck out of the said lists according to the directions of this Act

Persons holding offices under the crown during pleasure, etc , to be struck out of the lists

3 Provided always * * * *[1] that if any of the persons named in any of the lists returned by the said respective committees shall appear to hold any civil office of profit under the crown during his Majesty's pleasure or to be or to have been a commissioner for the affairs of India, or to be or to have been a director of the said company, or to hold or to have held any office or employment in the service of the said company in India the names of all and every such persons shall be struck out of the said lists by the order of the said respective Houses of Parliament

Mode of delivering in lists to be altered by either house, if that proposed be found inconvenient

4 Provided also * * * *[1] that if the delivery of the said lists at the tables of the respective Houses of Parliament in the manner directed by this Act shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively, any thing herein-before contained to the contrary notwithstanding

The party accused may peremptorily challenge thirteen peers and twenty commoners contained in the lists, as the names are drawn by lot in the presence of the judges, according to the recited Act

5 And * * * *[1] the names of the twenty-six peers and forty members of the House of Commons which shall have been so chosen by the said respective Houses of Parliament, or the names of the twenty-six peers and forty members of the House of Commons which (in case the said lists of both or either of the said houses shall happen to contain a greater number of members than as aforesaid respectively) shall have been drawn by lot according to the directions of the said former Act, or of such of them as shall personally appear at the time and place appointed in the manner by the said Act directed, shall be put into a box to be drawn by lot in the presence of the judges to be appointed according to the directions of the said recited Act and of the parties to the information to be tried or their counsel or agents,

and the person or persons against whom the said information shall have been exhibited shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the peers and twenty of the members of the House of Commons whose names shall have been put into the said box,

Prosecutor and accused may challenge any of the names, assigning reasons

and his Majesty's attorney general or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out and to assign for cause of challenge any such matter as in the opinion of the

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

three judges or the majority of them shall appear in their discretion sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice,

The first five peers and the first seven commoners whose names shall be drawn out and not challenged, to be, with the three judges, appointed special commissioners

and the first five names of the said peers, and likewise the first seven names of the said members of the House of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said judges to the lord high chancellor or lord keeper or lords commissioners for the custody of the great seal of Great Britain, who shall cause the said five peers and the said seven members of the House of Commons, by their respective proper names or titles of honour together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited Act and of this present Act,

and the persons who shall be so named and authorized in and by the said commission shall appear within ten days at the time and place to be appointed by the said three judges, and shall then and there take the following oath before the lord high chancellor or lord keeper or lords commissioners of the great seal of Great Britain for the time being, or any one of them

Commissioner's oath

I, A B, do swear, that as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against C D, I will diligently attend such trial and that I will hear and determine the same to the best of my judgement, according to the evidence which shall be given

So help me GOD

If number be reduced by challenges to less than five peers and seven commoners, new lists to be made out

6 And * * * *[1] if by reason of the challenges as aforesaid the number of names so drawn out as aforesaid shall be reduced to less than five peers and seven members of the House of Commons respectively, then and in such case the said three judges shall forthwith certify the same to the speakers of the respective Houses of Parliament, who shall lay the same before the said houses respectively, and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the dispatch of business, to choose, nominate and appoint twenty-six members of the House of Lords and forty members of the House of Commons after the manner and course aforesaid, the lists of which said respective members so chosen and appointed shall be transmitted to the clerk of the crown in his Majesty's High Court of Chancery or his deputy, and be inserted in a new commission to be issued in the manner herein-before and in the said former Act directed

Provided always, that no day on which the House of Commons shall have adjourned for want of the presence of a sufficient number of members to execute the provisions of the several Acts passed in the tenth and

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in Parliament, shall be accounted one of the sitting days of the said house for any of the purposes of this Act

7. And * * * *[1] the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement of the common law upon convictions had and obtained according to the course of the common law for extortion or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said united company, in any capacity whatever, Power of the commissioners

and such judgement so pronounced by the said special commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive to all intents and purposes,

and no certiorari shall be granted for removing the proceedings of the said special commissioners on such information into any court whatever, Proceedings not removable by certiorari

and the proceedings of the said special commissioners shall not be

should be reduced under ten, etc, a new commission to be made out

Act directed, before the said commission shall have been fully executed, so that there shall not be a sufficient number of commissioners to proceed in the due execution of such commission, according to the true intent and meaning of this Act, or if all the said three judges shall happen to die or be excused from attending in the manner by this Act directed whilst the said commission shall be depending, then and in either of such cases and from thenceforth the said commission and the force and effect thereof shall cease, and a new commission shall be awarded for hearing the matter of such information for which such former commission was issued, and the trial of such information shall begin de novo, save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the said former commission, which examinations or depositions shall and may be received and admitted as evidence under such new commission

Commissioners to attend during the whole trial, unless absent by leave

11 And * * * *[1] the said special commissioners shall severally attend in court during the whole trial for which they shall be appointed as aforesaid, and none of the said commissioners shall in anywise absent himself from the same (except as hereinafter is provided), and the said court shall at no time proceed in the said trial until all the said special commissioners not having obtained such leave of absence or not having been excused as hereinafter is provided shall be met and assembled,

If all do not meet, the majority present may adjourn.

and if the said special commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them, shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the registrar to the said commissioners, shall be served upon or left at the usual or last place or places of abode of the said absent commissioner or commissioners respectively, and at such further adjourned meeting the cause of his or their absence shall be inquired into by the special commissioners who shall be then present before the said commissioners shall proceed to any other business,

Cause of absence to be inquired into

and if it shall not be made to appear to the satisfaction of the said commissioners, by facts specially stated and verified before them upon oath (or in the case of such facts being verified by a peer of the realm, then upon his honour), that such absent commissioner or commissioners was or were by sudden accident or by necessity prevented from attending at the said former sitting, it shall and may be lawful for the special commissioners then present or the major part of them, to pass such censure upon such commissioner or commissioners who shall have been

Absentees may be cen-

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

so absent as they shall think fit, and also to impose upon such commissioner or commissioners respectively for such neglect of duty, or upon any commissioner or commissioners who shall depart from the said court during the sitting and before an adjournment thereof, such fine or fines as the said commissioners or the greater number of them then present shall think fit, so that no such fine shall exceed the sum of five hundred pounds, which fine or fines shall be forthwith estreated by one or more of the said three judges into the Court of Exchequer, and the like process shall be awarded by the said Court of Exchequer for levying the said fine or fines for his Majesty's use as is usually awarded for the levying of other fines estreated into the said Court of Exchequer,

sured or fined, and disabled from acting

How fines are to be levied

and the said special commissioners shall also have full power and authority to order or declare that any commissioner or commissioners who shall be so censured or on whom any such fine or fines shall be imposed shall be disabled from acting in the further execution of such commission

12 Provided always * * * *[1] that it shall and may be lawful for the said commissioners or the greater number of them to grant leave of absence to any of the said commissioners upon proof to their satisfaction of sickness or other urgent occasion,

Leave of absence may be granted to commissioners, who, however, are disqualified

and such of the said commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such commission any thing contained in the said former A[illegible]

Commissioners may appoint clerks, etc, who may be removed, etc

14 And * * * *[1] it shall and may be lawful to and for the said special commissioners to constitute and appoint such clerks, tipstafts, messengers and other officers to attend upon them in the execution of their said commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the said commissioners, as the said commissioners shall think fit,

and such several clerks and other officers shall be diligently attendant upon and subject and obedient to the said commissioners, and may be suspended, removed or discharged, or be punished by fine or fines to be imposed by the said commissioners for any neglect of duty or disobedience, at the discretion of the said commissioners, which fines shall be estreated into his Majesty's Court of Exchequer by one or more of the said three judges, and shall and may be levied and recovered for his Majesty's use by the process of the said court,

How clerks, etc, are to be paid

and all and every of such clerks and other officers shall be paid by the parties informant or informants and defendant or defendants named in such information the same or the like fees and allowances as the respective officers attendant upon his Majesty's Court of King's Bench upon trials of informations for misdemeanors prosecuted in the said court are entitled to receive from the parties thereto respectively, according to the stations and duties of such officers respectively

[Co]urt of [K]ing's Bench may issue out warrants for apprehending persons accused of extortion, etc, in the East Indies

15 And * * * *[1] whenever an information shall be exhibited in the said Court of King's Bench against any person or persons for the crime of extortion or other misdemeanor committed in the East Indies, in every such case, upon a certificate from the coroner and attorney of our lord the King (commonly called the clerk of the crown in the Court of King's Bench or the master of the crown office in the said court), or any or either of his sworn clerks in the said office, that such information hath been filed (which information, in case the same shall be filed when the Court of King's Bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the lord chief justice or any of the other judges of the said court, at the instance of such prosecutor or prosecutors, to issue his warrant under his hand and seal directed to all sheriffs, mayors, bailiffs, constables and other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties defendant or defendants to such information,

and if such party or parties shall escape or go into, reside or be in any place within that part of Great Britain called Scotland, it shall and may be lawful for the sheriff or steward depute or substitute or any justice of the peace of the county or place into which such party or parties shall escape or go or in which he or they shall reside or be to

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

indorse his name on the said warrant, which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all sheriffs officers, stewards officers, constables and other peace officers of the said county or place by the sheriff, steward depute or substitute, or justice of the peace whereof such warrant shall be so indorsed, to execute the said warrant in the same county or place by apprehending the party or parties against whom such warrant shall have been granted and to convey and bring such party or parties in safe custody before the said Court of King's Bench or before the lord chief justice or any of the judges of the said court to be further dealt with according to the directions of the said former Act and this present Act

16 And * * * *[1] it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid (not being attached) to surrender himself or themselves in the said Court of King's Bench at any time during the sitting of the said court to be dealt with according to the directions of the said former Act and this present Act or if the said court shall not be sitting, unto the said lord chief justice or any other of the judges of the said court, Parties informed against to be committed or to find bail

and * *[2] when and so often as any such party or parties shall surrender himself or themselves out of court as aforesaid, or shall during any vacation or when the said court shall not be sitting be attached and brought before the said lord chief justice or other judge under any warrant or attachment issued by virtue of the said former Act or this present Act, the said lord chief justice or other judge shall and may order such party or parties to stand committed to the prison of the Marshalsea or to the Tower of London or to the gaol of Newgate, at the discretion of the said lord chief justice or other judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money and with such condition for his appearance and for submitting to the judgement to be pronounced in and upon such information as the said lord chief justice or other judge shall in his discretion order and direct

Provided always that it shall and may be lawful for the said commissioners to order any person in custody under the provisions of this Act to be from time to time brought up and remanded in such manner as to the said commissioners shall seem meet

17. And * * * *[1] when and so often as any party or parties against whom any such information as aforesaid shall be exhibited shall [illegible]

[1] Enacting words repealed (U K), 51 & 52 Vict, [illegible]
[2] The word "that" was repealed (U K), *ibid*

not be attached or shall not have surrendered as aforesaid, and proof shall be made by any affidavit or affidavits to the satisfaction of the said Court of King's Bench that such party or parties is or are beyond the seas, or that upon enquiry at his or their usual place or places of abode or last known place or places of residence in Great Britain he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information, then and in such case the said court shall and may make a rule or order directing and appointing such party or parties to surrender himself or themselves in the said court or to the lord chief justice or one of the other judges of the said court, at a certain day in and by such rule or order to be limited and expressed at the discretion of the said court,

and a copy of such rule or order shall within twenty days after the making thereof be inserted three several times in the London Gazette, and another copy of such rule or order shall within the time aforesaid be affixed in some conspicuous and publick place in the India House,

Appearance to be entered for party not appearing, etc

and if the said party or parties shall not surrender himself or themselves respectively according to the tenor of such rule or order within the time therein to be limited for that purpose, or within such further time as the said court shall appoint or direct (which the said court is hereby impowered to do, on application being made on the behalf of such party or parties, if the said court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's attorney general or other prosecutor, by rule and leave of the said court (which rule and leave the said court is hereby impowered to grant), to cause an appearance and the plea of not guilty to be entered for such party or parties charged by the said information, and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto

Notice of trial to be given where accused does not appear

18 Provided always * * * *[1] that in all cases where the plea of not guilty shall be entered for the party or parties defendant or defendants to any information by the prosecutor or prosecutors thereof, by virtue and according to the directions of this Act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days notice of the day appointed for the trial thereof by advertisement in the London Gazette, any law, usage or practice to the contrary notwithstanding

Judgement to be pronounced by the commissioners, though the

19 And * * * *[1] if any party or parties charged by any such information as aforesaid shall make default in his or their personal appearance at the pronouncing of judgement in the matter of such in-

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

formation by and before the said special commissioners, it nevertheless shall and may be lawful for the said commissioners to pronounce judgement upon such information in the same manner as if the said party or parties was or were personally present, and every such judgement shall be as valid, effectual and conclusive to all intents and purposes whatever as if the said party or parties had been personally present at the pronouncing thereof, any law or usage to the contrary notwithstanding

Parties accused do not appear

20. And * * * *[1] whenever the party or parties charged by any such information shall personally appear before the said special commissioners on the hearing or trial thereof, it shall and may be lawful to and for the said special commissioners at any time during the course of such trial to order such party or parties to stand committed to the prison of the Marshalsea or to the Tower of London or to the gaol of Newgate, at the discretion of the said special commissioners, there to be detained until judgement shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said commissioners

Parties accused may be committed during trial

21 And * * * *[1] if any person or persons shall be guilty of any contempt or disturbance in the court of the said commissioners during the sitting of the court, it shall and may be lawful to and for the said commissioners to order such person or persons to be taken into custody by any officer or officers to be appointed by the said commissioners to attend the said court, and to stand committed to the prison of the Marshalsea or the gaol of Newgate, at their discretion, to be there kept for such time as the said commissioners shall order and direct

Disturbers of the court may also be committed.

reversed or avoided, for or by reason or means of any error, defect or want of form in any such judgement or in the information whereon the same shall be given or pronounced, or in the award of any process thereon, or in the record of the issue for the trial thereof, any law, statute or usage to the contrary notwithstanding

This or the recited Act not to deprive persons of any right they are entitled to by law, etc,

23 Provided always * * * *[1] that nothing in the said recited Act or in this present Act contained shall extend or be construed to extend to deprive the prosecutor or prosecutors of any such information as aforesaid, or the party or parties defendant or defendants thereto, of any right, liberty, benefit or advantage to which, by the law of the land or the rules of practice of the Court of King's Bench, such prosecutor or prosecutors, defendant or defendants, is or are, or would, could or might have been entitled upon any other information of a like nature depending in the said Court of King's Bench before issue in fact joined therein,

nor to restrict powers of Court of King's Bench

nor to prevent or restrict the said Court of King's Bench from exercising any such power or authority as would, could or might have been legally exercised by the said Court of King's Bench in the matter of any such information before issue in fact joined therein, if the said former Act or this present Act had not been made, any thing in the said former Act or this present Act contained to the contrary notwithstanding

Mode of proceeding where demurrers are entered and over ruled.

24 Provided also * * * *[1] that if the party or parties charged by any such information as aforesaid shall enter a demurrer to such information and such demurrer shall be over-ruled by the said Court of King's Bench such party or parties shall within eight days next after the said court shall have given judgement on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgement shall be affirmed or such writ of error shall be nonpros'd, enter the plea of not guilty to such information, or in default thereof the said plea of not guilty shall and may be entered for and in the name or names of such party or parties by his Majesty's attorney general or other prosecutor, and the said information shall proceed in the like manner as if no demurrer had been entered thereto, any law or the usage or practice of the said court to the contrary notwithstanding

Informations may at option of prosecutor be tried in the Court of King's Bench

25 Provided also * * * *[1] that if his Majesty's attorney general or other prosecutor or prosecutors of any such information shall be desirous of having the same proceeded in, tried and determined in the said Court of King's Bench and shall move the said court for that purpose, then and in every such case the said court shall grant a rule or order for retaining such information in the said court, and the said information shall be accordingly retained by the said Court of King's Bench, and shall be heard, tried, adjudged and determined by the said

[1] Enacting words repealed (U K.), 51 & 52 Vict, c. 3 (S L. R)

Court of King's Bench in such and the same manner to all intents and purposes as an information of the like nature would, could or might have been proceeded in, heard, tried and determined in and by the said court in case the said former Act or this present Act had not been made, any thing in the said former Act or this present Act contained to the contrary notwithstanding

26 And * * * *[1] whenever the party or parties against whom any such information shall have been exhibited as aforesaid shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors, and also whenever any recognizance or recognizances entered into under the said former Act or this present Act shall become forfeited, the said Court of King's Bench, or in case the said court shall not be then sitting, the lord chief justice of the same court, shall and may forthwith, at the instance of his Majesty's attorney general or other prosecutor, deliver to the lord chief baron or any other of the barons of the Court of Exchequer an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid, How fines, etc , are to be recovered in England ,

and the said lord chief baron or other of the said barons shall thereupon at the requisition of the said attorney general or other prosecutor, authorise and direct the proper officer of the same court to award, and such officer shall accordingly forthwith award, under the seal of the same court, one or more special writ or writs of extendi facias and capias or other special process against the said party or parties adjudged to pay such fine or fines, or the principal or principals and sureties in such recognizance or recognizances respectively, and their lands, tenements and hereditaments, goods, chattels and effects, directed into such county or counties, cities, places or liberties, to the proper sheriffs or other officers of the same respectively, for the due execution thereof, as the said attorney general or other prosecutor shall desire or require in that behalf,

and if such party or parties or such principal or principals and sureties or any of them shall have or be seised or possessed of or entitled to any lands, tenements or hereditaments, goods, chattels, estate or effects situate lying or being within that part of Great Britain called Scotland, or shall be resident in that part of the said United Kingdom, then and in either of such cases his Majesty's Court of Exchequer in Scotland, or when the said court shall not be sitting, the lord chief baron or any other of the barons of the said Court of Exchequer in Scotland, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same court or delivered to the said lord chief baron or any other of the barons of the same court, from and under the seal of the Court of Exchequer in England or under the in Scotland

[1] Enacting words repealed (U K), 51 & 52 Vict , c. 3 (S L R)

hand and seal of the lord chief baron or any other of the barons thereof, (and which copy or transcript the said Court of Exchequer in England, or when the said court shall not be sitting, the lord chief baron or any other of the barons of the same court, is and are hereby required, at the instance of his Majesty's attorney general or other prosecutor, to send and transmit accordingly,) shall and may forthwith, at the instance of the said attorney general or other prosecutor, carry on such proceedings and award such and the like process and processes as is and are competent by the law of that part of Great Britain called Scotland for recovery of debts due to the crown

Mode of recovering fines from property in the East Indies, when the effects in Britain are insufficient.

27. And * * * *[1] if it shall at any time be made to appear to the satisfaction of the said Court of Exchequer in England, at the instance of his Majesty's attorney general or other prosecutor, by motion in the said court on his or their behalf, that such party or parties, principal or principals or sureties as aforesaid or any of them have no lands, tenements or other estate or effects in Great Britain, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances or due for such fine or fines respectively, and that such party or parties, principal or principals or sureties or any of them shall have or be seised or possessed of or entitled to any lands, tenements or hereditaments, goods, chattels, debts, estate or effects within any of the British possessions in the East Indies respectively (the said sum or sums, fine or fines, not being paid and satisfied), then and in every such case the said Court of Exchequer shall and may by rule or order of the said court cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the court or to be otherwise attested as the said court shall direct, and the same so sealed or attested shall be closed up under the seals of any two of the barons of the said court, directed to the Supreme Court of Judicature in Bengal and to the mayor's courts at Madras and Bombay, or to any or either of the said courts, as the case shall or may require, and the same shall be delivered by the said barons or one of them to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose, which agent or agents (or in the case of his or their death the person into whose hands the same shall come) shall deliver such transcript or transcripts to one of the judges of the said Supreme Court or mayor's courts respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said barons (or in what other manner the same came into his or their hands), and that the same hath not or have not been opened or altered since he or they so respectively received the same (which oath any of the said judges of any of the said courts in India are hereby authorised and required to administer), and thereupon such transcript or

[1] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

transcripts shall be filed and recorded in such of the said courts in India to which the same shall be so directed, as the case may require,

and upon motion to be made in such courts or court for that purpose, for and on the behalf of such prosecutor or prosecutors, the like process and proceedings shall and may from time to time be awarded and had by and in the said Supreme Court of Judicature and the said mayor's courts at Madras and Bombay respectively, or any or either of them, against the lands, tenements or hereditaments, goods, chattels, debts, estate and effects of the said party or parties, principal or principals and sureties within the limits of the jurisdictions of such respective courts in the East Indies as might or could have been awarded or had in the said Court of Exchequer in England against the lands, tenements, hereditaments, goods, chattels, debts, estates and effects of the same party or parties, principal or principals or sureties in England, and the same shall be valid and effectual, any law, usage or custom to the contrary notwithstanding

28. And whereas it is by the said recited Act enacted, that in all cases of informations laid or exhibited by virtue of the said Act in the Court of King's Bench for misdemeanors or offences committed in India, it shall be lawful for the said court to award a writ or writs of mandamus to the chief justice and judges of the Supreme Court of Fort William, or the judges of the mayor's court of any of the British settlements in India, as the case may require, who are thereby respectively authorized and required accordingly, to hold a court for the examination of witnesses and receiving other proofs concerning the matters charged in such informations respectively, and that such examination shall be then and there openly taken and reduced into writing in manner therein mentioned and sent to his Majesty in his Court of King's Bench, closed up and under the seals of two or more of the judges of the said Supreme Court, and that one or more of the judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or in case of his or their death the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench in the publick office, and make oath that he received the same from the hands of one or more of the Judges of such court in India (or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same.

Recital of Act 24 Geo 3. Sess. 2, c. 25, s 78

And whereas a doubt may arise whether such examinations as may be taken by the judges of the mayor's court in any of the British settlements in India by force and virtue of the said Act may be lawfully sent closed up under the seals of the same judges, and whether any one or more of the same judges is or are impowered to deliver the same to the agent or agents of the party requiring the same

Examinations taken in the mayors' courts in India to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench

Be it therefore enacted, that every examination which shall or may be had or taken by the judges of the mayor's court of any of the British settlements in India by force and virtue of the said Act (being reduced into writing as in the said Act is directed or mentioned) shall be sent to his Majesty in his Court of King's Bench closed up and under the seals of two or more of the judges of the mayor's court of any of the British settlements in India, and one or more of the judges of the same court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or in case of his or their death the person into whose hands the same shall come) shall deliver the same to one of the clerks of his Majesty's Court of King's Bench, in the publick office, and make such or the like oath as is in and by the said Act directed and prescribed, any thing in the said Act contained to the contrary notwithstanding

29 and 30 [*Rep 55 & 56 Vict, c 19 (S L R), 29 rep also as to B I by XI of 1872, s 2 and sch 1*]

31 [*Rep 35 & 36 Vict, c 63 (S L R)*]

32 to 35 [*Rep 33 Geo 3, c 52, s 146*]

36 and 37. [*Rep 35 & 36 Vict, c 63 (S L R)*]

Bonds executed in the East Indies shall be evidence in Britain, and contrariwise, on proof of the hand writing of the parties.

38 [1] And whereas great difficulties, expense and delay often arise in giving proof in Great Britain of the execution of bonds and other deeds and writings executed and witnessed by persons resident in the East Indies

* * * * [2]

For remedy thereof, be it enacted, that whenever any bond or other deed, or writing executed in the East Indies and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in Great Britain, it shall be sufficient to prove by one or more credible witness or witnesses that the name or names subscribed to such bond, deed or writing purporting to be of the hand or hands writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand writing or hands writing of such obligor or obligors, party or parties respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same respectively is or are of the proper hand or hands writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East Indies, * * * * [2]

[1] S 38, so far as it relates to Courts of Justice in the East Indies, has been repealed by Act I of 1872, s 2 and sch

[2] Words repealed as to British India, by 55 & 56 Vict, c 19 (S L R), have been omitted

and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds and other deeds and writings as if the witness or witnesses thereto was or were dead

39 [*Rep 55 & 56 Vict, c 19 (S L R)*]

THE EAST INDIA COMPANY ACT, 1793 [1]

(33 Geo. 3, c 52)

An Act for continuing in the East India Company for a further term the possession of the British Territories in India, together with their exclusive Trade, under certain Limitations, for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same, for appropriating to certain Uses the Revenues and Profits of the said Company, and for making Provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay

[*11th June, 1793*]

[*Preamble Rep (U K) 50 & 51, Vict, c 59 (S L R)*]

1 to 18 [*Rep as to U K 50 & 51 Vict, c 59 (S L R) Omitted as being spent and inapplicable to India*]

Board may send orders to the secret committee of directors, who shall transmit the same to India

19 Provided also, and be it further enacted, that if the said board of commissioners shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or negociating with any of the native princes or states in India, intended to be communicated in orders to any of the Governments or Presidencies in India, shall be of a nature to require secrecy, it shall and may be lawful for the said board to send their orders and instructions to the secret committee of the said court of directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit their orders and dispatches, according to the tenor of the said orders and instructions of the said board, to the respective Governments and Presidencies in India, and that the said Governments and Presidencies shall be bound to pay a faithful obedience thereto in like manner as if

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[1] So much of this Act as requires seniority as a condition or qualification for the appointment of civil servants to offices, places or employments was repealed by 24 & 25 Vict, c. 54, s 7 Its provisions have been modified by Act XI of 1876, s 66

such orders and instructions had been sent to them by the said court of directors [1]

Directors to appoint a secret committee, who shall take the following oath

20. And * * * *[2] that the said court of directors shall from time to time appoint a secret committee, to consist of any number not exceeding three of the said directors, for the particular purposes in this Act specified, which said directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following, (that is to say,)

* * * *[3]

Which said oath shall and may be administered by the several and respective members of the said secret committee to each other, and being so by them taken and subscribed, the same shall be recorded by the secretary of the said court of directors for the time being amongst the acts of the said court

21 [*Rep as to U K 50 & 51 Vict, c 59 (S L R) Omitted as being inapplicable to India*]

Presidencies in India may send dispatches to the secret committee, who shall deliver them to the board

22 Provided also * * * *[2] that when any of the Governments or Presidencies in India shall be of opinion that any of their dispatches to Great Britain concerning the government of the said territories and acquisitions, or the levying war or making peace, or negociations or treaties with any of the native princes or states of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said Governments or Presidencies respectively to address their dispatches requiring such secrecy under cover, sealed with their seals, unto the said secret committee of directors of the said company for the inspection of such committee, and that immediately upon the arrival of such dispatches so addressed the said secret committee of directors shall deliver the same or copies thereof to the said board

23. [*Rep as to U K 50 & 51 Vict, c 59 (S L R) Omitted as being inapplicable to India*]

Governments of the presidencies vested in the governors and three counsellors respectively

24. And be it further enacted, that the whole civil and military government of the presidency of Fort William in Bengal, and also the ordering, management and government of all the territorial acquisitions and revenues in the kingdoms or provinces of Bengal, Behar and Orissa, shall be and are hereby vested in a governor general and three counsellors of and for the said presidency, subject to such rules, regulations and restrictions as are made, provided or established in that behalf in this Act or in any other Act or Acts in force, and not by this Act repealed or altered,

[1] But see 21 & 22 Vict, c. 106, s 27
[2] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)
[3] Another oath was substituted by 53 Geo 3, c 155, s 74

and that the whole civil * *[1] government of the presidency of Fort Saint George on the coast of Coromandel, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa, with the revenues of the same, as have been and now are under the administration of the government or presidency of Fort Saint George, shall be and are hereby vested in a governor and three counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations and restrictions as aforesaid,

and that the whole civil * *[2] government of the presidency and island of Bombay on the coast of Malabar, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast of Malabar, shall be and are hereby vested in a governor and three counsellors of and for the said presidency and island of Bombay, subject as aforesaid,

and the said governors and councils of the said presidencies of Fort Saint George and Bombay respectively, being also subject to the superintendence and control of the said governor general in council in manner by this Act provided or directed in that behalf any Act or Acts to the contrary notwithstanding

any of the offices aforesaid for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke, but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary or emolument appertaining thereto, until he shall be in the actual possession of such office, any Act or statute to the contrary notwithstanding

28. [*Rep as to U K 50 & 51 Vict , c 59 (S L R), rep also as to B I by XII of 1873, s 1 and sch*]

How vacancies are to be supplied when no successors are on the spot, etc

29 And * * * *[1] that if any vacancy shall happen in the office of governor general of Fort William or of governor of Fort Saint George or Bombay respectively, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the counsellor of the presidency wherein such vacancy shall happen, next in rank to the said governor general or governor respectively, shall hold and execute the said office of governor general or governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto,

and if the council board shall happen during that interval to become reduced to one only member besides the acting governor general or governor, then and in such case the person so acting as governor general or governor shall be and is hereby impowered to call to the council board such one of the senior merchants of the said company at such presidency where the vacancy shall occur as he shall think fit to be a temporary member of the said board, and that the person so called shall accordingly sit and act as a member of the said council and shall have the same powers in all other respects as are given to persons appointed to the council board by the said court of directors, until the arrival of a successor or other appointment made to the office of governor general or governor respectively,

and that every such acting governor general, governor and occasional counsellor shall during the time of their continuing to act as such respectively be entitled to receive the several emoluments and advantages appertaining to the said offices by them respectively supplied, such acting governor general and governor foregoing their salary and allowances of counsellor for the same period

30 Provided always * * * *[1] that if at the time of any vacancy happening in the office of governor general or of a governor of any of the said presidencies no eventual successor appointed under the

[1] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

authority of this Act shall be present upon the spot, any commander-in-chief, although he shall be then a member of the council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency unless such commander-in-chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the counsellor next in rank at the council board to such commander-in-chief, any thing herein contained to the contrary notwithstanding [1]

succeed to the temporary government of a presidency, unless the commander-in-chief shall have been provisionally appointed

Vacancy of counsellors when no successors are on the spot to be supplied by the governor in council from the senior merchants

31. And * * * *[2] that if any vacancy shall happen of the office of a counsellor at either of the said presidencies when no person provisionally or otherwise appointed to succeed thereto shall be then resident on the spot, then and on every such occasion such vacancy shall be supplied, by and at the nomination or appointment of the governor general in council of Fort William or the governor in council of Fort Saint George or Bombay respectively, from amongst the senior merchants in the said company's service in India,

and that the person or persons so nominated shall execute the said office and shall have the same powers in all respects as are given to persons appointed to the council board by the said court of directors, until a successor or successors shall arrive duly appointed by the said court of directors, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office or offices during his or their continuance therein respectively

The commander-in chief at Fort Saint George or Bombay, when not governor, may be the second member of the council there

32 [2]* * * * * * * * *[3] and that when any commander-in-chief shall be appointed a member of any of the said councils, such commander shall have rank and precedence at the council board next to the * * * *[3] governor of the same presidency,

But no commander-in-chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils unless the same shall be specially granted by the court of directors of the said company

The commander in-chief in India, not being governor general, while resident at Fort Saint George or Bombay, shall be a member of the council there

33. Provided always * * * *[2] that when the commander-in-chief of all the forces in India (not being likewise governor general), shall happen to be resident at either of the presidencies of Fort Saint George or Bombay, the said commander-in-chief shall from the time of his arrival and during his continuance at such presidency be a member of the council of such presidency, and during that period the provincial commander-in-chief of the forces of the same presidency, if he shall be a member of the council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the council board

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[1] This section is for the most part now obsolete, presidential commanders in chief having been abolished by 56 & 57 Vict, c 62

[2] Enacting words repealed (U K) 51 & 52 Vict, c 3 (S L R)

[3] Words repealed by 55 & 56 Vict, c 19 (S L R), and by 56 & 57 Vict, c 62, have been omitted

If any member shall be incapable of attending, the governor of the presidency may call to the council a provisional successor, etc

34 And * * * *[1] that if any of the members of the council of either of the said presidencies shall by any infirmity or otherwise be rendered incapable of acting or of attending to act as such, or if any of such members shall be absent from the presidency, and the governor general or either of the said governors shall be desirous of having the advice of a full council upon any urgent business, the governor general or such governors respectively shall by virtue of this Act have full power and authority to call any provisional successor appointed then on the spot, or there being none such on the spot, then any senior merchant on the spot to assist at the council bo rd for that turn, but that such provisional successor or other person shall not be entitled to any salary or other emolument in respect thereof, nor shall his acting as an occasional member of council in manner aforesaid deprive him of any office or employment he before enjoyed

His Majesty, by sign manual, countersigned by the president of the board, may remove any officer or servant of the company in India

35 And * * * *[1] that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the president of the board of commissioners for the affairs of India, to remove or recall any person or persons holding any office, employment or commission, civil or military, under the said united company in India for the time being, and to vacate and make void all or every or any appointment or appointments, commission or commissions, of any person or persons to any such offices or employments,

and that all and every the powers and authorities of the respective persons so removed, recalled, or whose appointment or commission shall be vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and specified in that behalf

Provided always, that a duplicate or copy of every such writing or instrument under his Majesty's sign manual, attested by the said president for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered to the chairman or deputy chairman for the time being of the said company, to the intent that the court of directors of the said company may be apprized thereof

Act not to preclude the directors from recalling their officers or servants.

36 Provided always * * * *[1] that nothing in this Act contained shall extend or be construed to extend to preclude or take away the power of the court of directors of the said company from removing or recalling any of the officers or servants of the said company, but that the said court shall and may at all times have full liberty to remove, recall or dismiss any of such officers or servants at their will and pleasure in the like manner as if this Act had not been made, any gover-

[1] Enacting words repealed (U K), 51 & 52 Vict., c 3 (S L R)

nor general, governor or commander-in-chief appointed by his Majesty, his heirs or successors, through the default of appointment by the said court of directors, always excepted, any thing herein contained to the contrary notwithstanding.

Departure from India of any governor general, etc., with intent to return to Europe to be deemed a resignation of employment, etc.

37. And * * * *[1] that the departure from India of any governor general, governor, member of council or commander-in-chief, with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment and that the arrival in any part of Europe of any such governor general, governor, member of council or commander-in-chief shall be a sufficient indication of such intent,

While in the presidency no resignation of a governor general, etc., to be valid except delivered in writing to the secretary.

and that no act or declaration of any governor general or governor, or member of council during his continuance in the presidency whereof he was so governor general, governor or councillor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the public department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office, and that the salary and other allowances of any such governor general or other officers respectively shall cease from the day of such his departure, resignation or surrender, and that if any such governor general or any other officer whatever in the service of the said company shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency

Regulations respecting salaries.

made by the governor general in council, or governor in council, and to be signed by the secretary

made by the governor general in council, and that all orders and other proceedings of the governors and council of Fort Saint George and Bombay, respectively, shall be expressed to be made by the governor in council and not otherwise,

and that the several orders and proceedings of all the said presidencies shall previous to their being published or put in execution be signed by the chief secretary[1] to the council of the presidency by the authority of the governor general in council or governor in council, as the case may be

Governor general in council at Fort William impowered to superintend the other presidencies

40 And * * * *[2] that the governor general in council at Fort William shall have and be invested by virtue of this Act with full powers and authority to superintend, control and direct the several governments and presidencies of Fort Saint George and Bombay, and all other governments erected or to be erected by the said united company within the limits of their said exclusive trade, in all such points as shall relate to any negociations or transactions with the country powers or states or levying war or making peace or the collection or application of the revenues of the said acquisitions and territories in India, or to the forces employed at any of such presidencies or governments or to the civil or military government of the said presidencies, acquisitions or territories, or any of them

The other presidencies to obey the orders of the governor general in council of Fort William in all cases, if not repugnant to instructions from England.

41 And in order to prevent the embarrassment and difficulty which may otherwise arise from any doubt whether the orders or instructions of the governor general in council of Fort William relate to other points than those aforesaid,

Be it further enacted that notwithstanding any doubt which may be entertained by the said presidencies or governments to whom such orders or instructions shall be given respecting the power of the governor general in council to give such orders, yet the said presidencies or governments shall be bound to obey such orders and directions of the said governor general in Council in all cases whatever, except only where they shall have received positive orders and instructions from the said court of directors or from the secret committee of directors by the authority of the said board of commissioners for the affairs of India, repugnant to the orders and instructions of the said governor general in council, and not known to the said governor general and council at the time of dispatching their orders and instructions as aforesaid,

Governor general in council to send dates, etc, of dispatches

and the said governor general in council shall at the time of transmitting all such orders and instructions transmit therewith the dates of and the times of receiving the last dispatches, orders and instructions

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[1] *See* the Secretaries to Government Act, 1834 (II of 1834), Genl Acts, Vol I
[2] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

which they have received from the court of directors, or from the said secret committee by the direction of the said board of commissioners, on any of the points contained therein,

from England on points contained in instructions to presidencies, etc

and the said presidencies, governments and settlements in all cases where they have received any orders from the said court of directors, or from the said secret committee by the direction of the board of commissioners as aforesaid, which they shall deem repugnant to the orders of the said governor general in council of Fort William, and which were not known to the said governor general and council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all instructions or orders made by them in consequence thereof to the governor general in council of Fort William, who shall after the receipt of the same dispatch such further orders and instructions to the said presidencies and governments or settlements as the said governor general in council may judge necessary thereupon

Presidencies to transmit to him copies of any dispatches which they deem repugnant to his instructions

42. And forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and policy of this nation,

War not to be declared, etc, by the governor general in council of Fort William without the command of the directors, etc, except preparations for hostilities shall be made against British, etc

Be it further enacted, that it shall not be lawful for the governor general in council of Fort William aforesaid, without the express command and authority of the said court of directors, or of the said secret committee by the authority of the said board of commissioners for the affairs of India, in any case (except where hostilities have actually been commenced or preparations actually made for the commencement of hostilities against the British nation in India, or against some of the princes or states dependant thereon, or whose territories the said united company shall be at such time engaged by any subsisting treaty to defend or guarantee) either to declare war or commence hostilities or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states,

and that in any such case it shall not be lawful for the said governor general and council to declare war or to commence hostilities or to enter into any treaty for making war against any other prince or state than such as shall be actually committing hostilities or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the company against such hostilities commenced or preparations made as aforesaid,

and in all cases where hostilities shall be commenced or treaty made, the said governor general and council shall, by the most expeditious means they can devise, communicate the same unto the said court of

Communication of commencement of hostilities,

etc, to be made to the directors, etc

directors or to the said secret committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities or made such treaties, and their motives and reasons for the same at large

Governments of Fort St George and Bombay, etc, not to declare war, etc, but by orders from Fort William or the directors, etc

43 And * * * *[1] that it shall not be lawful for the governors and counsellors of Fort Saint George and Bombay or of any other subordinate settlement to make or issue any order for commencing hostilities or levying war, or to negociate or conclude any treaty of peace or other treaty with any Indian prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty) unless in pursuance of express orders from the said governor general in council of Fort William aforesaid, or from the said court of directors, or from the said secret committee by the authority of the said board of commissioners for the affairs of India,

and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the governor general in council of Fort William aforesaid,

and the said governor and counsellors and other officers of the said presidencies of Fort Saint George and Bombay or other settlements, respectively, are hereby required to pay and yield obedience to all such orders as they shall from time to time, respectively, receive from the said governor general in council of Fort William aforesaid concerning the matters aforesaid,

Penalty on governors, etc, for neglect of orders from Fort William

and that all and singular the said governors, counsellors and other officers who shall refuse or wilfully neglect or forbear to pay obedience to such orders and instructions as they shall receive from the said governor general in council of Fort William as aforesaid shall be liable to be removed, dismissed or suspended from the exercise of their respective offices or powers by order of the said governor general in council of Fort William and be sent to England, and be subject to such further pains and penalties as are or shall be provided by law in that behalf

Governments of Fort St George and Bombay, etc, to send to Fort William copies of all their orders, etc

44 And * * * *[1] that the governors and counsellors of the said presidencies of Fort Saint George and Bombay, respectively, for the time being and the governors and counsellors or other chief officer or officers of and belonging to any other British settlement in India shall and they are hereby respectively required constantly and diligently to transmit to the said governor general in council at Fort William aforesaid true and exact copies of all orders, resolutions and acts in council of their respective governments, presidencies and councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge material to be communicated to the governor general

[1] Enacting words repealed (U K), 51 & 52 Vict., c. 3 (S L R)

in council of Fort William aforesaid or which the said governor general in council shall from time to time require

45. And * * * *[1] that it shall and may be lawful for the governor general of Fort William aforesaid for the time being to issue his warrant under his hand and seal directed to such peace officers and other persons as he shall think fit for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of any of the British settlements or possessions in India with any of the princes, rajahs or zemindars, or any other person or persons having authority in India, or with the commanders, governors or presidents of any factories established in the East Indies by any European power, or any correspondence contrary to the rules, and orders of the said company or of the governor general in council of Fort William aforesaid, and if upon examination taken upon oath in writing of any credible witness or witnesses before the governor general in council of Fort William aforesaid, there shall appear reasonable grounds for the charge, the said governor general shall be and is hereby authorized and impowered to commit such person or persons so suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them a copy of the charge or accusation, on which he or they shall have been committed, and that the party or parties accused shall be permitted to deliver in his or their defence in writing, together with a list of such witnesses as he or they shall desire to be examined in support thereof,

Governor general of Fort William may issue warrants for securing persons suspected of dangerous correspondence

Proceedings to be had where reasonable grounds for the charge shall appear against such persons

and that such witnesses and also the witness or witnesses in support of the charge shall be examined and cross-examined on oath in the presence of the party accused, and their depositions and examinations taken down in writing,

and if, notwithstanding such defence, there shall appear to the said governor general in council reasonable grounds for the charge or accusation and for continuing the confinement, the party or parties accused shall remain in custody until he or they shall be brought to trial in India or sent to England for that purpose,

and that all such examinations and proceedings or attested copies thereof under the seal of the Supreme Court of Judicature at Fort William or of one of the mayor's courts, shall be transmitted to th said court of directors by the first dispatches, in order to their being pro duced in evidence on the trial of the parties in the event of their being sent for trial to Great Britain;

and in case such person or persons is or are intended to be sent t England the said governor general shall and he is hereby required t

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

cause such person or persons to be sent to England by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage, in which case he or they shall be sent as soon as his or their state of health will safely admit thereof,

and that the examination and proceedings so transmitted as aforesaid shall be admitted and received as evidence in all courts of law, subject to any just exceptions to the competency of the said witnesses

Governors of Fort St George and Bombay to have the like power with respect to suspected persons as the governor general

46 And * * * *[1] that the several governors or governors in council of Fort Saint George and Bombay shall have the like powers, under and subject to the same regulations and restrictions, to secure and detain persons suspected of any such illicit correspondence as aforesaid within their respective presidencies and settlements and of sending them to England for trial as are hereby given to the said governor general or governor general in council of Fort William respectively

47 And whereas it will tend greatly to the strength and security of the British possessions in India and give energy, vigour and dispatch to the measures and proceedings of the executive government within the respective presidencies, if the governor general of Fort William in Bengal and the several governors of Fort Saint George and Bombay were vested with a discretionary power of acting without the concurrence of their respective councils or forbearing to act according to their opinions in cases of high importance and essentially affecting the public interest and welfare, thereby subjecting themselves personally to answer to their country for so acting or forbearing to act

Governor general or governors may order measures proposed in council, about which they differ from the other members, to be adopted or suspended, etc, without the consent of the council,

Be it enacted that when and so often as any measure or question shall be proposed or agitated in the Supreme Council at Fort William in Bengal or in either of the councils of Fort Saint George and Bombay, whereby the interests of the said united company or the safety or tranquillity of the British possessions in India or any part thereof are or may, in the judgement of the governor general or of the said governors respectively, be essentially concerned or affected, and the said governor general or such governors respectively shall be of opinion that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the several other members of such council then present shall differ in and dissent from such opinion, the said governor general or such governor and the other members of the council shall and they are hereby directed forthwith mutually to exchange with and communicate in council to each other, in writing under their respective hands (to be recorded at large on their secret consultations), the respective grounds and reasons of their respective opinions,

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

and if after considering the same the said governor general or such governor respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said governor general in the Supreme Council of Fort William, or either of the said governors in their respective councils, to make and declare any order (to be signed and subscribed by the said governor general or by the governor making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in the whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said governor general or such governors in their respective councils shall think fit and expedient,

which said last-mentioned order and resolution so made and declared shall be signed as well by the said governor general or the governor so making and declaring the same as by all the other members of the council then present, and shall, by force and virtue of this Act, be as effectual and valid to all intents and purposes as if all the said other members had advised the same or concurred therein,

and the said members of council, and all officers, civil and military, and all other persons concerned, shall be and they are hereby commanded, authorized and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution

48 And * * * *[1] that the governor general or governor who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of council shall alone be held responsible for the same and the consequences thereof

the governor making the order to be alone responsible for the same,

49 Provided always * * * *[1] that nothing in this Act contained shall extend or be construed to extend to give power to the said governor general of Fort William in Bengal or to either of the said governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution which could not have been lawfully made and executed with the concurrence of the councils of the respective governments or presidencies, any thing herein contained to the contrary notwithstanding

but not to make any order which could not have been made with the consent of the council.

50. Provided also * * * *[1] that nothing in this Act conta shall extend or be construed to extend to give any discretionary pow acting or forbearing to act without the concurrence of the c

[1] Enacting words repealed [illegible] & 52 Vict, c 3 (S L R)

whom the office of governor general or governor shall devolve by death, unless provisionally appointed, etc

members of council unto any person on whom the said office of governor general or the said office of governor, respectively, shall happen to devolve by the death or resignation of any governor general or governor for the time being, respectively, or unto any deputy governor general, unless such person shall have been provisionally appointed to succeed to such respective office by the said court of directors, or unless and until such person shall have been or shall be confirmed in the said office;

and that in the mean time all orders, resolutions and other acts and things in such presidency shall be determined by the voice of the major part in number of the governor general and counsellors or governor and counsellor present at the making or doing thereof, such governor general or governor having on any equality of voices a casting vote, and not otherwise or in any other manner, any thing in this Act contained to the contrary notwithstanding

Governor general, etc, not to carry into execution any order against the opinion of the council in certain cases

51. Provided also * * * *[1] that nothing herein contained shall be construed to give power or authority to the governor general of Fort William in Bengal, or either of the governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution against the opinion or concurrence of the counsellors of their respective governments in any matter which shall come under the consideration of the said governor general and governors in council, respectively, in their judicial capacity, or to make, repeal or suspend any general rule, order or regulation for the good order and civil government of the said united company's settlements, or to impose of his own authority any tax or duty within the said respective governments or presidencies

The powers of the governor of either of the other presidencies, etc, vested in the governor general during his stay in the presidency

52 And be it further enacted, that when the governor general of Fort William in Bengal for the time being shall find it expedient to visit the presidency of Fort Saint George or the presidency of Bombay, or any province or place in India, the powers and authorities of the governor or other chief officer or officers of such presidency, province or place shall from the time of the proclamation of the arrival of the said governor general therein be suspended (except with regard to judicial proceedings), and shall so continue to be suspended until other proclamation be made to the contrary by the order of the said governor general, or otherwise until the said governor general shall depart therefrom, and no longer,

and that during that interval the powers and authorities of the said governor or other chief officer shall be vested in the said governor general, with liberty nevertheless for such governor to sit and act as a member of the council of such presidency;

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[1] Enacting words repealed (U K.), 51 & 52 Vict., c 3 (S L R)

transmitting copies thereof to governors, etc, of presidencies and court of directors

Provided always that such governor general shall and he is hereby required to transmit by the first opportunity to the governors and councils of the respective presidencies to which the officers or servants to whom any such orders or instructions shall be so sent to be executed shall belong, copies of such orders and instructions respectively, with his reasons or inducements for issuing the same, and also to transmit to the court of directors of the said company, by the first opportunity that shall or may occur, a copy of all orders and instructions by him so sent to any of the said governments, presidencies, officers or servants respectively, together with his reasons and inducements for sending or issuing the same

Directors, with the approbation of the board may suspend and again revive the powers of the governor general to act upon his own authority

55. Provided also * * * *[1] that it shall and may be lawful for the court of directors of the said company with the approbation of the board of commissioners for the affairs of India to suspend all or any of the powers hereby given to the governor general of Fort William to act upon his own sole authority at and for such time or times as they may judge expedient or necessary, and that the same shall be suspended accordingly from the time of the arrival of their orders for that purpose in India, and also for the said court of directors with such approbation as aforesaid, to revive the said powers when and as they shall think fit, any thing herein contained to the contrary notwithstanding

56 [*Rep 24 & 25 Vict, c 54, s 7*]

Regulations for filling up vacancies in the civil line

57[2] [*Rep 2 & 3 Geo 5, c 6, s 4 and Sch, Part II*]

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[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

[2] Section 57 ran as follows —

And that all vacancies happening in any of the offices, places or employments in the civil line of the company's service in India (being under the degree of counsellor) shall be from time to time filled up and supplied from amongst the civil servants of the said company belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and not otherwise, (that is to say,) that in the filling up and supplying such vacancies no office, place or employment the salary, perquisites and emoluments whereof shall exceed five hundred pounds per annum shall be conferred upon or granted to any of the said servants who shall not have been actually resident in India as a covenanted servant of the said company for the space of three years at the least in the whole antecedent to such vacancy,

and if the salary, perquisites and emoluments of any office, place or employment shall exceed one thousand five hundred pounds per annum the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said service for the space of six years at the least in the whole antecedent to such vacancy,

and if the salary, perquisites and emoluments of any office, place or employment shall exceed three thousand pounds per annum the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said company's service for the space of nine years at the least in the whole,

and if the salary, perquisites and emoluments of any office, place or employment shall exceed four thousand pounds per annum the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the company's service for the space of twelve years at the least in the whole antecedent to such vacancy,

and that all appointments, advancements and promotions which shall be made for supplying any such vacancies other than as aforesaid shall be null and void

No person to hold two offices, the salaries of which amount to more than the prescribed sum

58 And * * * *[1] no person shall for the future be capable of taking in the civil line of the company's service two or more offices, places or employments, the joint amount of the salaries, perquisites and emoluments of which shall exceed in the whole the annual salary, perquisites and emoluments respectively hereinbefore in that behalf prescribed, any law or usage to the contrary notwithstanding [2]

59 to 61. [*Rep as to U K 50 & 51 Vict, c 59 (S L R), s 61 rep as to B I by XIV of 1870, s 1 and sch Ss 59 and 60 omitted as being inapplicable to India* [3]]

Receiving gifts to be deemed a misdemeanor

62. And * * * *[1] that the demanding or receiving any sum of money or other valuable thing as a gift or present or under colour thereof, whether it be for the use of the party receiving the same or for or pretended to be for the use of the said company or of any other person whatsoever by any British subject holding or exercising any office or employment under his Majesty or the said united company in the East Indies shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such under and by virtue of this Act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received or the full value thereof

The court may order gifts to be restored, or gifts or fines to be given to the prosecutors

63 Provided always * * * *[1] that the court or jurisdiction before whom any such offence shall be tried shall have full power and authority to direct the said present or gift or any part thereof to be restored to the party who gave the same, or to order the whole or any part thereof or of any fine which the court shall set on the offender to be paid or given to the prosecutor or informer, as such court in its discretion shall think fit

Counsellors at law, etc, may take fees in their professions

64 Provided always * * * *[1] that nothing herein contained shall extend or be construed to extend to prohibit or prevent any person exercising the profession of counsellor at law physician or surgeon, or any chaplain, from accepting, taking or receiving fees, gratuities or rewards (*bonâ fide*) in the way of his profession only.

Neglect to execute the orders of the directors, etc., to be deemed a misdemeanor,

65. And * * * *[1] that the wilful disobeying or the wilfully omitting, forbearing or neglecting to execute the orders or instructions of the court of directors of the said company by any governor general, governor, president, counsellor or commander-in-chief or by any other of the officers or servants of the said united company in the East Indies (unless in cases of necessity, the burthen of the proof of which necessity shall lie on the party so disobeying or omitting or forbearing to execute such orders and instructions as aforesaid) and every wilful breach of the trust and duty of any office or employment by any such governor general, governor, president, counsellor or commander-in-chief, or by any of the officers or servants of the said united company in the East Indies, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act

as also the making of any corrupt bargain for giving up or obtaining any employment in India.

66 And * * * *[1] that the making or entering into or being a party to any corrupt bargain or contract for the giving up or for obtaining or in any other manner touching or concerning the trust and duty of any office or employment under the crown or the said united company in the East Indies by any British subject whomsoever there resident, shall be deemed and taken to be a misdemeanor at law and shall be proceeded against and prosecuted as such by virtue of this Act

His Majesty's subjects amenable to courts of justice in India and Great Britain for offences in the territories of native princes.

67 [2] And* * * *[1] that all his Majesty's subjects as well servants of the said united company as others, shall be and are hereby declared to be amenable to all courts of justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, offences and crimes whatever by them or any of them done or to be done or committed in any of the lands or territories of any native prince or state or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India

68 and 69 [*Rep as to U K 50 & 51 Vict, c 59 (S L R) Omitted as being spent or inapplicable to India* [3]]

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[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

[2] Section 67 has been repealed by Act XI of 1872, s 2 and Sch I

[3] It is doubtful whether s 60 is really inapplicable to India, and it should perhaps be expressly repealed by Indian legislation.

No person under the degree of a member of council or commander-in chief, who shall not return to India within five years from his leave to depart, shall be entitled to rank, etc , or to serve again except as herein provided.

70. And * * * *[1] that no person who shall have held any civil or military station whatever in India in the service of the said united company, being under the rank or degree of a member of council or commander-in-chief of the forces, and who, having departed from India by leave of the governor general in council or governor in council, shall not return to India within the space of five years next after such departure, shall be entitled to any rank or restoration of office or be capable of again serving in India, either in the European or Native corps of troops or in the civil line of the company's service, unless in the case of any civil servant of the company it shall be proved to the satisfaction of the court of directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to India by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in general court specially convened for that purpose, whereof eight days previous notice of the time and purpose of such meeting shall be given in the London Gazette, or unless in the case of any military officer it shall be proved to the satisfaction of the said court of directors and the board of commissioners for the affairs of India that such absence was occasioned by sickness or infirmity or some inevitable accident [2]

71 to 136 [*Rep 35 § 36 Vict , c 63 (S L R)*]

No governor general, etc , to trade except on account of the company

137. And * * * *[1] that it shall not be lawful for any governor general or governor or any member of council of the said presidencies in India to be concerned in any trade or traffick whatever except on account of the said company, nor for any collector, supervisor or other person employed or concerned in the collection of the revenues or the administration of justice in the provinces of Bengal, Behar and Orissa or either of them, or their agents or servants, or any person or persons in trust for them or any of them, to carry on or be concerned in or to have any dealings or transactions by way of traffick or trade at any place within any of the provinces in India or other parts, or to buy any goods and sell the same again or any part thereof at the place where he or they bought the same, or at any other place within the same province or any other such province or country respectively, except on account of the said company, nor shall it be lawful for any of the judges of the Supreme Court of Judicature to be concerned in any trade or traffick whatever, * *[3]

No judge of Supreme Court to be concerned in any trade

138 and 139. [*Rep 35 § 36 Vict , c 63 (S L R)*]

How offences against this Act may be prosecuted, etc

140. And * * * *[1] that all penalties, forfeitures, seizures, causes of seizure, crimes, misdemeanors and other offences,

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

[2] Modified by 53 Geo 3, c 155, s 84

[3] The words repealed by Act XIV of 1870, s 1 and sch , have been omitted They prohibited any of His Majesty's subjects in the said provinces being concerned in the inland trade in salt, etc , except with the company's permission

which shall arise or be incurred or made under or shall be committed against this Act, shall be sued for, prosecuted, examined, recovered and adjudged in any of his Majesty's courts of record at Westminster, or in the Supreme Court of Judicature at Fort William in Bengal, or in one of the mayor's courts at Madras or Bombay respectively, in manner following, that is to say, all such pecuniary penalties and all forfeitures of ships, vessels, merchandize and goods shall and may be sued for, condemned and recovered by action, bill, suit or information wherein no essoin, protection, wager of law or more than one imparlance shall be granted or allowed; and all such seizures whether of any person or of any ships, vessels, merchandizes and goods, and all causes of such seizure, shall be cognizable in such actions, suits or prosecutions as shall bring into question or relate to the lawfulness or regularity of any such seizure,

and all such offences as by this Act are not made punishable by pecuniary penalties or by any forfeitures of goods, but by fine or imprisonment, or both, or are hereby created without providing any particular punishment, shall be prosecuted by indictment or information as misdemeanors for breach thereof and shall be punished by fine or imprisonment, or both, at the discretion of the court in which such prosecution shall by virtue of this Act be begun and carried on,

and if such prosecution for a misdemeanor shall be in any of the said courts in the East Indies, and the person or persons prosecuted shall be there convicted, it shall be lawful for such court to order, as part or for the whole of the punishment, any such person or persons to be sent and conveyed to Great Britain

How actions shall be laid

141. And * * * *[1] that whenever any action, bill, suit, information or indictment shall be brought or prosecuted in any of his Majesty's courts of record at Westminster for any offence against this Act, whether for a penalty, forfeiture or misdemeanor, the offence shall be laid or alleged to have been committed in the city of London or county of Middlesex, at the option of the informer or prosecutor,

Limitation of actions, and process

and all actions, bills, suits, informations and indictments for any offence or offences against this Act, whether filed, brought, commenced or prosecuted for a penalty or forfeiture, or for a misdemeanor, in any of his Majesty's courts of record at Westminster, or in the said Supreme Court or any such mayor's court as aforesaid, shall be brought and prosecuted within six years next after the offence shall be committed, and a capias shall issue in the first process, and in the case of an offence hereby made punishable by any penalty or forfeiture such capias shall specify the sum of the penalty or forfeiture sued for, and the person or

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

persons sued or prosecuted for such penalty shall on such capias give to the person or persons to whom such capias shall be directed sufficient bail or security, by natural-born subjects or denizens, for appearing in the Court out of which such capias shall issue, at the day or return of such writ, to answer such suit or prosecution, and shall likewise at the time of such appearance give sufficient bail or security, by such persons as aforesaid, in the same court, to answer and pay all the forfeitures and penalties sued for, if he, she or they shall be convicted of such offence or offences, or to yield his, her or their body or bodies to prison,

but if the prosecution shall be for any offence or offences against this Act punishable only as a misdemeanor, then the person or persons against whom such capias shall issue, being thereupon arrested, shall be imprisoned and bailable according to law as in other cases of misdemeanor

142 to 150 [*Rep 35 & 36 Vict, c 63 (S L R)*]

151 [*Rep pt 47 Geo 3, Sess 2, c 68, s 6, rep also as to B I by II of 1869, s 2 and sch*]

152 [*Rep as to U K 50 & 51 Vict, c 59 (S L R), rep also as to B I by II of 1869, s 2 and sch*]

153 and 154. [*Rep as to U K 50 & 51 Vict, c 59 (S L R), rep also as to B I by X of 1875, s 2 and sch*]

155 [*Rep as to U K 50 & 51 Vict, c 59 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

Charter of justice, dated 26th March, 1774, recited

156 And whereas by the charter of justice under the great seal of Great Britain, bearing date the twenty-sixth day of March, in the fourteenth year of his present Majesty's reign, for establishing the supreme court of judicature of Fort William in Bengal, his Majesty did grant, ordain, establish and appoint that the said supreme court of judicature should be a court of admiralty, with power and authority to enquire, hear, try, examine and determine by the oaths of British subjects all treasons, murders, piracies robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses and enormities and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated or committed upon the high seas, rivers, ports, creeks, harbours and places overflown within the Admiralty of England, done, perpetrated or committed upon the and throughout the provinces, countries or districts of Bengal, Behar and Orissa and the territories or islands adjacent thereto and dependent

thereon, the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England

And whereas doubts have arisen how far the jurisdiction of the said supreme court in criminal matters is limited by the said charter to offences committed on the coasts of Bengal, Behar and Orissa, territories or islands respectively, within the ebbing and flowing of the sea and high water mark and inasmuch as it is essentially necessary that the Admiralty-jurisdiction of the said supreme court of judicature should extend to crimes and offences committed on the high seas at large

Power given by recited charter to the supreme court of judicature to extend to the high seas

Be it further enacted and declared, that the power and authority of the said court granted to them by the said charter of justice shall extend and be extended to the high seas, and that the said court shall by force and virtue of this Act have full power and authority to enquire, hear, try, examine and determine, by the oaths of honest and lawful men, being British subjects resident in the town of Calcutta, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated or committed upon any of the high seas, and to fine, imprison, correct, punish, chastise and reform parties guilty and violators of the laws, in like and in as ample manner to all intents and purposes as the said court might or could do if the same were done, perpetrated or committed within the limits prescribed by the said charter of justice, and not otherwise or in any other manner

157 [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I by IV of 1871, s 2 and Sch I*]

158 to 160 [*Rep as to U K 50 & 51 Vict, c 59 (S L R), s 159 rep also as to B I by XIV of 1870, s 2 and Sch I Ss 158 and 160 omitted as being obsolete or inapplicable to India* [1]]

161 [*Rep as to U K 4 & 5 Will 4, c 33 Omitted as being inapplicable to India*]

162 [*Rep as to B I by IX of 1871, s 2 and Sch I*]

163 [*Rep as to U K 50 & 51 Vict, c 59 (S L R) Omitted as being spent*]

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[1] Section 158 provides for the appointment by the justices of scavengers in Calcutta, and ought perhaps to be expressly repealed by Indian legislation

THE EAST INDIA COMPANY (MONEY) ACT, 1794

(34 Geo. 3, c. 41.)

An Act to impower the East India Company to continue a Bond Debt of two millions, and to increase the same by a further sum, as circumstances may require.

[9th May, 1794.]

WHEREAS by an Act made in the last session of Parliament, intituled "An Act for placing the stock called East India Annuities under the management of the governor and company of the Bank of England, and *ingrafting the same on the three pounds per centum reduced annuities,* in redemption of a debt of four millions two hundred thousand pounds owing by the publick to the East India Company, and for enabling the said company to raise a sum of money by a further increase of their capital stock, to be applied in discharge of certain debts of the said company," it was amongst other things enacted, that it should be lawful for the said company, with the consent of the commissioners of his Majesty's Treasury or any three of them, or the high treasurer for the time being, at any time or times thereafter, to open books and receive subscriptions for enlarging their then present capital stock or fund of five millions to any sum not exceeding the further sum of one million, so as to make their whole capital stock the sum of six millions, and that the said company should out of the monies to arise by the said subscriptions, in the first place apply so much thereof as should be sufficient for the purpose in reducing their bond debt in Great Britain to the sum of one million five hundred thousand pounds, and after such reduction made or a sufficient sum set apart and reserved for that purpose, that the said company should and might apply and dispose of the residue of the monies arising by the said subscriptions in the discharge of such other debts due or coming due from them as they should think fit

Preamble. Recital of 33 Geo 3, c. 47. Sect 8. Sect 14.

Sect. 15. And it was thereby also enacted, that after the said bond debt should have been so reduced to one million five hundred thousand pounds as aforesaid it should not be lawful for the said company again to increase the same beyond that amount, unless with the approbation of the board of commissioners for the affairs of India for that purpose in writing first had and obtained and that the whole increase to be made to the said bond debt should in nowise exceed the sum of five hundred thousand pounds

And whereas the said company have accordingly received subscriptions in the manner by the said Act directed, whereby their capital stock hath been increased to six millions, and the said company have out of the monies arising by the said subscriptions, paid, bought up or otherwise discharged bonds to the amount of one million one hundred and

fifty thousand five hundred and seventy-five pounds or thereabouts, and have set apart a sufficient sum for the purchase or discharge of as many more bonds as will reduce the said debt to two millions

And whereas in the present state of the affairs of the said company it will be for their convenience and advantage that, instead of applying any further part of the money which hath arisen by the said subscriptions in or towards a further reduction of their said bond debt beyond the sum already set apart as aforesaid, the company should be permitted to apply the same to the general purposes of their commerce and to continue on foot the said bond debt of two millions, and it is also expedient that the said company should be permitted to increase their said bond debt by a further sum not exceeding one million, as circumstances may require

Company may continue their bond debt of 2,000,000*l* and borrow a further sum of 1,000,000*l* upon bonds

May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the said company to keep on foot and continue their said bond debt in Great Britain at the aforesaid amount of two millions, and to apply the surplus monies of the said subscriptions remaining, after reducing or setting apart a sufficient sum to reduce the said bond debt to the amount aforesaid, to and for the general purposes of their trade and commerce,

and further, that it shall and may be lawful for the said company, by and with the approbation and consent of the board of commissioners for the affairs of India for the time being, at any time or times hereafter to borrow upon and issue bonds under their common seal for any further sum or sums of money not exceeding in the whole the sum of one million, for the purposes of their trade, as circumstances may require, anything contained in the said Act or in any other Act to the contrary notwithstanding

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THE EAST INDIA ACT, 1797

(37 Geo 3, c 142)

An Act for the better Administration of Justice at Calcutta, Madras and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India

[*20th July, 1797*]

Preamble 13 Geo 3, c 63

WHEREAS by an Act passed in the thirteenth year of the reign of his present Majesty, intituled " An Act for establishing certain regulations

for the better management of the affairs of the East India Company, as well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Fort William in Bengal, to consist of a chief justice and three other justices, being barristers of England or Ireland of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors and whereas by the said Act and by divers other Acts of Parliament certain jurisdictions, powers and authorities were given to the said court to be exercised in the manner therein directed * * * *[1]

1. [*Rep 55 § 56 Vict , c 19 (S L R)*]

His Majesty may direct the payment of a yearly sum out of the territorial revenues to any chief justice or other judge returning to Europe

2. And whereas his Majesty has by law no power to direct the application of any part of the revenues of the territorial acquisitions in India as a provision for a chief justice or other judge of the said supreme court, who, from infirmity or other causes approved of by his Majesty, may return to Europe and whereas it is expedient that such power, to a limited extent, be vested in his Majesty, his heirs and successors

Be it therefore enacted by the authority aforesaid, that * * *[2] it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, to authorize and direct the payment of a competent yearly sum out of the revenues arising from the territorial acquisitions in India, to be applied for the use and behoof of any chief justice or other judge who from age, infirmity or other cause to be approved of by his Majesty, his heirs and successors, shall return to Europe

3 to 10. [*Rep 55 § 56 Vict , c 19 (S L R), ss 4 to 8 rep also as to B I by XIV of 1870, s 1 and sch.*]

Courts may try all suits which, by authority of Parliament, may now be tried by the mayor's courts, or courts of oyer and terminer

11. And * * * *[3] the said courts so to be erected as aforesaid shall have full power and authority to hear, try and determine all and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament may now be heard, tried or determined by the mayor's courts at Madras or Bombay respectively, or by the courts of oyer and terminer or gaol delivery there, and all powers, authorities and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said mayor's courts or the courts of oyer and terminer and gaol delivery, shall and may be as fully and effectually exercised by the said courts to be erected in the manner aforesaid as the same might have

[1] The rest of the preamble repealed by 55 & 56 Vict , c 19 (S L R), has been omitted

[2] Words repealed by 55 & 56 Vict , c 19 (S L R.), have been omitted

[3] Enacting words repealed (U K), 51 & 52 Vict , c 3 (S L R)

been exercised and enjoyed by the said mayor's courts or courts of oyer and terminer and gaol delivery respectively

The governor and council, and recorder of the court, not subject to arrest

Provided always, that nothing in this Act shall extend to subject the person of the governor or any of the council at the respective settlements, or the person of the recorder of the said court, to be arrested or imprisoned in any suit, action or proceeding in the said court,

Jurisdiction of the courts not to extend to certain matters and persons

nor shall it be competent for the said courts within their respective jurisdictions to hear or determine or to entertain and exercise jurisdiction in any suit or action against the governor or any of the council at the said settlements of Madras and Bombay respectively, for or on account of any act or order, or any other act, matter or thing whatsoever, councilled, ordered or done by them in their public capacity or acting as governor and council,

nor shall it be competent for the said courts within their respective matter concerning the revenue under the management of the said governor and council respectively, either within or beyond the limits of the said towns, forts or factories, or concerning any act done according to the usage and practice of the country and the regulations of the governor and council,

and no person shall be subject to the jurisdiction of any of the said courts for or by reason of being a landowner, land-holder or farmer of land or of land rent, or for receiving a pension, or payment in lieu of any title to or ancient possession of land or land rent, or for receiving any compensation or share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself or those who are his under-tenants by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of lands, within the dominion subject to the governments of Madras and Bombay respectively,

and no person for or by reason of his being employed by the said company or the governor and council, or by any person deriving authority under them for or on account of his being employed by a native or the descendant of a native of Great Britain, shall become subject to the jurisdiction of the said courts respectively, in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses only

Rights of fathers and masters of families preserved.

12 And in order that due regard may be had to the civil and religious usages of the natives,

Be it enacted, that the rights and authorities of fathers of families and masters of families, according as the same may be exercised by the

Gentu or Mahomedan law, shall be preserved to them within their families respectively, nor shall the same be violated or interrupted by any of the proceedings of the said courts, nor shall any act done in consequence of the rule or law of cast, so far as respects the members of the same family only, be deemed a crime, although the same may not be justifiable by the laws of England

13. And * * * *[1] the said courts so to be erected as aforesaid shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras and Bombay respectively, in the manner that shall be provided by the said charter,

Courts may determine suits against the inhabitants according to the charter, but their inheritance of lands, etc, to be determined as would have been done in a native court and where one party is a Mahomedan or Gentu, by the usages of the defendant, etc

yet nevertheless their inheritance and succession to lands, rents and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans, and where the parties are Gentus, by the laws and usages of the Gentus, or by such laws and usages as the same would have been determined by if the suit had been brought and the action commenced in a native court, and where one of the parties shall be a Mahomedan or Gentu, by the laws and usages of the defendant,

and in all suits so to be determined by the laws and usages of the natives the said court shall make such rules and orders for the conduct of the same and frame such process for the execution of their judgments, sentences or decrees, as shall be most consonant to the religions and manners of the said natives, and to the said laws and usages respectively, and the easy attainment of the ends of justice,

and such means shall be adopted for compelling the appearance of witnesses and taking their examination as shall be consistent with the said laws and usages, so that the said suits shall be conducted with as much care and at as little expense as is consistent with the attainment of substantial justice

14. And * * * *[1] no action for wrong or injury shall be against any person whatever exercising a judicial office in any country court for any judgment, decree or order of the said court, or against any person for any act done by or in virtue of the order of the said court,

No action for wrong to be against a judicial officer for any order of court, nor for any act done by virtue of any such order, but if any information is intended, it must be brought according to 21 Geo 3, c 70

and in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the supreme court of judicature at Calcutta in Bengal by an Act passed in the twenty-first year of his Majesty's reign, intituled "An Act to explain and amend so much of an Act made in the thirteenth year of the reign of his present Majesty, intituled 'An Act for establishing certain

[1] Enacting words repealed (U K), 51 & 52 Vict., c. 3 (S L R).

regulations for the better management of the affairs of the East India Company as well in India as in Europe,' as relates to the administration of justice in Bengal, and for the relief of certain persons imprisoned at Calcutta in Bengal under a judgement of the supreme court of judicature, and also for indemnifying the governor general and council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the supreme court "

15 to 26 [*Rep 55 & 56 Vict, c 19 (S L R), ss 15 and 17 to 26 rep also as to B I by XIV of 1870, s 1 and sch, s 16 rep also as to B I by VI of 1874, s 2 and sch*]

All new forms of process to be transmitted to the board for affairs of India

27. And * * * *[1] all new forms of process, or rules and orders for the execution thereof, shall be transmitted to the president of the board of commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction or refusal,

and such process shall be used and such rules shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein

28 And whereas the practice of British subjects lending money or being concerned in the lending of the same, or in transactions for the borrowing money for or lending money to the native princes in India has been productive of much mischief and is the source of much usury and extortion

and whereas the wholesome orders of the court of directors of the United Company of Merchants trading to India have not been sufficient to restrain and repress the same

and whereas it is highly desirable that such practices should be prevented in future

From Dec 1, 1797, no British subject to lend any money or be concerned in raising any money for native princes without consent of the court of directors or the governor in council, and any person doing so may be prosecuted for a misdemeanor

Be it therefore enacted, that from and after the first day of December next, no British subject shall by himself, or by any other person directly or indirectly employed by him, lend any money or other valuable thing to any native prince in India, by whatever name or description such native prince shall be called, nor shall any British subject, either by himself or by any other person directly or indirectly employed by him, be concerned in the lending any money to any such native prince, nor shall any British subject be concerned either by himself or by any other person, either directly or indirectly, in raising or procuring any money for any such native prince or as being security for such loan or money, nor shall any British subject lend any money or other valuable thing to any other person for the purpose of being lent to any such native prince, nor shall any British subject, by himself or by any other person, either directly or indirectly, for his use and benefit, take, receive, hold, enjoy

[1] Enacting words repealed (U K), 51 & 52 Vict., c 3 (S L R)

India, have become so much extended as to require further regulations to be made for the due government of the same

33 Geo 3, c 52 and whereas by an Act of Parliament made and passed in the thirty-third year of the reign of his present Majesty, intituled "An Act for continuing in the East India Company for a further term the possession of the British territories in India, together with their exclusive trade, under certain limitations, for establishing further regulations for the government of the said territories and the better administration of justice within the same, for appropriating to certain uses the revenues and profits of the said company, and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay," it is enacted, that the whole civil and military government of the presidency of Fort Saint George on the coast of Coromandel, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa with the revenues of the same as had been and then were under the administration of the government or presidency of Fort Saint George, should be and were thereby vested in a governor and three counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations and restrictions as were therein mentioned, and that the whole civil and military government of the presidency and island of Bombay on the coast of Malabar, and the ordering, management and government of all the territorial acquisitions and revenues on the said coast of Malabar, should be and were thereby vested in a governor and three counsellors of and for the said presidency and island of Bombay, subject to the provision therein mentioned

May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same,

The court of directors may appoint what parts of the territorial acquisitions, revenues, etc, shall be subject to either and which of their presidencies subject to the controul of the Commissioners for the Affairs of India.

that from and after the passing of this Act it shall and may be lawful for the court of directors of the said company for the time being to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the government of the said presidency of Fort Saint George or the said presidency of Bombay, together with the revenues arising therefrom and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the government of either and which of the said presidencies, or of the presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient, subject nevertheless in all cases to the superintendence, direction and controul of the commissioners

for the Affairs of India, in like manner as any acts or orders of the said court of directors are now by law subject,

and all such territorial acquisitions, and the revenues arising therefrom and the establishment of civil servants connected therewith, shall from and after the time, and subject as to such time to the conditions and limitations to be by the said court of directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such presidency, and to the court or courts of judicature established or to be established therein respectively

2 And whereas his late Majesty King George the Second did by his letters patent, bearing date at Westminster the eighth day of January in the twenty-first year of his reign, grant unto the said United Company of Merchants of England trading to the East Indies his royal charter, thereby amongst other things constituting and establishing courts of civil, criminal and ecclesiastical jurisdiction at the united company's respective settlements at Madras, Patnam, Bombay, or the island of Bombay, and Fort William in Bengal

Letters patent of Geo 2, dated the 8th Jan in the 21st year of his reign

and whereas the said charter, in so far as it respects the administration of justice at Madras, has been altered and changed by virtue of an Act passed in the thirty-seventh year of his present Majesty, intituled "An Act for the better administration of justice at Calcutta, Madras and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India"

and whereas the said charter, so far as it respects the administration of justice at Fort William in Bengal, has also been altered and changed by virtue of an Act passed in the thirteenth year of his present Majesty, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company as well in India as in Europe," and by divers subsequent statutes

and whereas it may be expedient for the better administration of justice in the said settlement of Madras that a supreme court of judicature should be established at Madras, in the same form and with the same powers and authorities as that now subsisting by virtue of the several Acts beforementioned at Fort William in Bengal,

Be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by charter or letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Madras aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, admiralty and ecclesiastical jurisdictions, both as to natives and British subjects, and to be invested with such power and authorities, privileges and

His Majesty may establish a supreme court of judicature at Madras, to consist of the like number of persons, and with the like powers, etc, as the

supreme court at Fort William

immunities, for the better administration of the same, and subject to the same limitations, restrictions and controul within the said Fort Saint George and town of Madras and the limits thereof and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said government of Madras, as the said supreme court of judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed or by this present Act, doth consist of, is invested with or subject to, within the said Fort William or the kingdoms or provinces of Bengal, Behar and Orissa

Exemption of the governor and council at Madras and the governor general of Fort William from the authority of the court

3 Provided always that the governor and council at Madras and the governor general of Fort William aforesaid shall enjoy the same exemption and no other, from the authority of the said supreme court of judicature to be there erected, as is enjoyed by the said governor general and council at Fort William aforesaid from the jurisdiction of the supreme court of judicature there already by law established

4 [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I by XIV of 1870, s. 1 and sch*]

Transfer of powers of recorder of Madras to supreme court

5. [1]* * *[2] all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said courts of the recorder at Madras * * * *[2] shall and may be exercised by the supreme court of judicature to be erected by virtue of this Act, in the manner and to the extent hereinbefore directed

6 [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

Salaries to be in lieu of all perquisites

7 And [1]* * * * * *[3] all such salaries shall be in lieu of all fees of office, perquisites, emoluments and advantages whatsoever, and [4]* * no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received or taken in any manner or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid

8 [*Rep as to B I by XIV of 1870, s 1 and sch*]

The salaries of the judges of the supreme

9. Provided always * * *[1] that when either of the judges of the supreme court of judicature at Fort William, or of the supreme court of

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

[2] Words repealed by 55 & 56 Vict, c 19 (S L R), have been omitted

[3] So much of the section as related to the commencement of salaries was repealed, 53 Geo 3, c 155, s 89

[4] The word "that" was repealed (U K) by 51 & 52 Vict, c. 3 (S L R)

judicature which his Majesty is hereby empowered to erect at Madras, or the recorder of Bombay, shall respectively leave India, the salary now payable or which may become payable under and by virtue of this Act to any such judge or recorder respectively shall cease and be no longer paid, any thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding

courts and of the recorder of Bombay to cease on their leaving India

10 and 11. [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

12.[1] And * * *[2] if the governor general of Fort William in Bengal for the time being, or the governor of the said presidency of Fort Saint George and of the said presidency and island of Bombay respectively for the time being, shall happen to be absent from any council to be assembled for the said respective presidencies of Fort William and Fort Saint George and the said presidency and island of Bombay owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such council so to be assembled, then and in every such case the senior member for the time being, who shall be present at the council so assembled, shall preside at such council in such manner, and with such full powers and authorities during the time that such councils shall continue to be assembled, as such governor general or governor might or would have had in case such governor general or governor were himself actually present at such council

If the governor general of Fort William or the governor of Fort St George or of Bombay shall signify his intended absence from the council, the senior member present shall preside, but no act of such council shall be valid, unless signed by the governor general or governor respectively, if resident at the presidency and not prevented by indisposition, and if not so prevented and he shall refuse to sign, he and the members who shall have signed shall mutually communicate the grounds of their opinions as directed by 33 Geo 3, c. 52, in cases where he shall, when present,

Provided nevertheless that no act of any council so held shall be valid to any effect whatsoever unless the same shall be signed by such governor general or governor respectively, if such governor general or governor shall at the time be resident at the presidency at which such council shall be so assembled, and shall not be prevented by such indisposition from signing the same

Provided always, that in case such governor general or governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of council he and the several members of the council who shall have signed the same shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner, and subject to such regulations and ultimate responsibility of such governor general or governor respectively, as are by the said Act passed in the thirty-third year of the reign of his present Majesty provided and directed, in cases where such governor general or governor respectively shall, when present, dissent from any measure proposed or agitated in such council respectively

[1] Section 12, in so far as it relates to the Governor General and the Council of Fort William, has been repealed by 55 & 56 Vict, c. 19 (S L R)

[2] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

dissent from the council. The governor general, when absent, may nominate a vice-president and deputy governor of Fort William

Provided also, that nothing herein contained shall be taken or construed to prevent such governor general, in case he shall be absent from his own government of Bengal, to nominate a vice-president and deputy governor of Fort William according to the provision for that purpose in the said Act passed in the thirty-third year of his present Majesty

13 to 16 [*Rep 9 Geo. 4, c 74, s 126*]

17 to 19 [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I. by XIV of 1870, s 1 and sch*]

The power of the supreme court of judicature of Fort William shall extend over the province of Benares and all places subordinate thereto, and all districts hereafter annexed to the presidency of Fort William

20. * * * * *[1] the power and authority of the said supreme court of judicature in and for the said presidency of Fort William aforesaid, as now and by virtue of this Act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject to the provisions and restrictions before enacted, framed and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts and places, which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said presidency of Fort William aforesaid

21 to 24 [*Rep 55 & 56 Vict, c 19 (S L R), rep also as to B I. by XIV of 1870, s 1 and sch*]

25. [*Rep 57 & 58 Vict, c 39, s 5*]

The Criminal Jurisdiction Act, 1802

(42 Geo 3, c. 85.)

An Act for the trying and punishing in Great Britain Persons holding public Employments, for Offences committed abroad, and for extending the Provisions of an Act passed in the Twenty-first Year of the Reign of King James, made for the ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe custody

[*22nd June, 1802*]

Whereas persons holding and exercising public employments out of Great Britain often escape punishment for offences committed by them

[1] Words repealed by 55 & 56 Vict, c 19 (S L R), have been omitted.

for want of courts having a sufficient jurisdiction in or by reason of their departing from the country or place where such offences have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands, inasmuch as such offences cannot be laid to have been committed within the body of any county,

and whereas it is therefore expedient that such and the like provisions as are contained in an Act passed in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled "An Act to punish governors of plantations of this kingdom for crimes by them committed in the plantations," and in an Act passed in the thirteenth year of the reign of his present Majesty, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," and in an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled "An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies," should be extended and applied to the punishment of such offenders

11 & 12 Will 3, c 12

13 Geo 3, c 63

24 Geo 3, sess. 2, c 25

May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, if any person who now is, or heretofore has been, or shall hereafter be employed by or in the service of his Majesty, his heirs or successors, in any civil or military station, office, or capacity out of Great Britain, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any public station, office, capacity, or employment, out of Great Britain, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any crime, misdemeanor, or offence, in the execution, or under colour, or in the exercise of any such station, office, capacity, or employment as aforesaid, every such crime, offence, or misdemeanor may be prosecuted or enquired of, and heard and determined in his Majesty's Court of King's Bench here in England, either upon an information exhibited by his Majesty's attorney general, or upon an indictment found, in which information or indictment such crime, offence, or misdemeanor may be laid and charged to have been committed in the county of Middlesex,

Offences committed by persons employed in any public service abroad may be prosecuted in the Court of King's Bench in England, and may be laid in Middlesex, and the offenders punished as if the offences had been committed in England

and all such persons so offending and also all persons tried under any of the provisions of the said recited Act passed in the reign of King William aforesaid, or this Act, or either of them, for any offence, crime,

or misdemeanor, and not having been before tried for the same out of Great Britain, shall, on conviction, be liable to such punishment as may, by any law or laws now in force, or any Act or Acts that may hereafter be passed be inflicted for any such crime, misdemeanor or offence committed in England, and shall also be liable at the discretion of his Majesty's Court of King's Bench, to be adjudged to be incapable of serving his Majesty in any station, office, or capacity, civil or military, or of holding or exercising any public employment whatever

The Court of King's Bench, on motion, may award a writ of mandamus to any court of judicature, or the governor, etc, of the country where the offence was committed, to obtain proofs of the matters charged in the indictment, which shall be obtained by vivâ voce evidence, and the same shall be transmitted to the Court of King's Bench, and admitted on the trial, etc

2 And * * * *[1] in all cases of indictments found or informations exhibited under and by virtue of this Act, it shall be lawful for his Majesty's said Court of King's Bench, upon motion to be made and such notice thereof as to the said Court of King's Bench may appear to be sufficient by or on behalf of his Majesty's attorney general or other prosecutor, or of the defendant or defendants to award, at the discretion of the said court, a writ or writs of mandamus to any chief justice and judges or any chief justice or other judge singly for the time being of any court or courts of judicature in the country or island, or near to the place where the crime, offence, or misdemeanor shall be charged in such indictment or information to have been committed, or to any governor or lieutenant governor or other person having any chief authority in such country, island or place, or to any other person or persons residing there, as the case may require, and as to the said Court of King's Bench may, under all the circumstances of the case, seem most expedient for the purpose of obtaining and receiving proofs concerning the matters charged in any such indictment or information;

and the person or persons to whom such writ or writs shall be directed and sent are hereby respectively authorized and required to hold a court, session, or meeting, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictment or information respectively and in the meantime to cause public notice to be given of the holding the said court session, or meeting, and to issue such summons or other process as may be requisite for the attendance of witnesses, and to adjourn from time to time as occasion may require;

and such examination or examinations shall be then and there openly and publicly taken vivâ voce in the said court, session or meeting upon questions put by any such prosecutor or prosecutors, defendant or defendants, or any agent or agents person or persons on behalf of the said attorney general or other prosecutor or prosecutors, and defendant or defendants respectively, if any such shall attend for that purpose, and by the Court person or persons to whom such writ shall be directed and sent as aforesaid upon the respective oaths of witnesses, and the oaths

[1] Enacting words . repealed (U K.), 51 & 52 Vict c 3 (S L R)

of skilful interpreters if necessary, administered according to the forms of their several religions, and shall, by some officer or persons sworn for that purpose, be reduced into writing on parchment or paper and in case any duplicate or duplicates shall be required by or on behalf of the prosecutor or the defendant or defendants respectively into two or more writings on parchment or paper as the case may require,

and such examination or examinations shall be sent to his Majesty in his Court of King's Bench closed up and under the seal or seals of the person or persons before whom such examination or examinations as aforesaid shall have been taken,

and the person or persons taking such examination or examinations as aforesaid shall deliver the same to any person or persons appointed by the said Court of King's Bench to receive the same or shall transmit the same in such manner as the said Court of King's Bench shall direct,

and all such examinations shall with all convenient speed be delivered to one of the clerks in court of his Majesty's Court of King's Bench in the Crown office of the said court for the safe custody thereof,

and every clerk in the said Court of King's Bench to whom any examination or examinations shall be delivered is hereby authorized to administer an oath to the person delivering the same to him in such form as the said Court of King's Bench shall direct,

and such examination or examinations shall be allowed and read upon the trial of any such indictment or information or any other subsequent proceeding thereon or relating thereto and shall be deemed as good and competent evidence as if the witness or witnesses whose examination or examinations shall be so read had been present and sworn and examined vivâ voce at such trial, any law or usage to the contrary notwithstanding, saving all just exceptions to be taken to any such examination or examinations or any part thereof when the same shall be offered to be read as aforesaid,

and all persons concerned shall be entitled to take copies of such examinations in the custody of such clerk in court at their own costs and charges

3. And * * * *[1] it shall also be lawful for the said Court of King's Bench upon motion to be made and such notice thereof as aforesaid by or on behalf of his Majesty's attorney general or other prosecutor or defendant or defendants in any such indictment or information to order an examination de bene esse of witnesses upon interrogatories in any case where the vivâ voce testimony of such witnesses cannot conveniently be had to be taken before an examiner to be appointed by the said court,

Court of King's Bench may order an examination de bene esse, in case where vivâ voce evidence cannot be had

[1] Enacting words repealed (U K), 51 & 52 Vict., c 3 (S L R)

and the depositions taken upon such interrogatories shall be afterwards admitted to be read in evidence upon the trial of such indictment or information or in any other subsequent proceeding thereon or relating thereto and shall be deemed good and sufficient evidence in the law saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid

Persons to whom such writs of mandamus shall be directed, shall do all things necessary for the due execution thereof by compelling the appearance and giving evidence of witnesses, etc

4 And * * * *[1] it shall be lawful for any person or persons to whom any such writ or writs of mandamus shall be directed or order sent as aforesaid, and, in case the same shall be directed or sent to more than one person, for so many of them as shall for that purpose be appointed by the said writ or required by the said order, and who shall act in the execution thereof, and such person and persons is and are hereby respectively authorized and required to administer all oaths required to be taken under any of the provisions of this Act, or necessary for the due execution of any such writ or order or any act, matter, or thing relating thereto, and to examine upon oath all persons whom he or they find occasion to summon, and all other persons whom he or they shall think fit to examine, touching all matters and things necessary for the due execution of any such writ or order as aforesaid,

and such person and persons respectively to whom such writ shall be directed or order sent as aforesaid, or so many of them as shall in that behalf be appointed and shall act in the execution thereof as aforesaid, shall have full power and authority to compel the appearance and giving evidence of any witness upon any such writ or order, and to issue special summons or other process for that purpose, and may proceed upon such summons or other process, by imprisonment of the body of any person refusing to appear or give evidence, in like manner as any court or courts of record within this kingdom, having competent authority for that purpose, may proceed against any person or persons for any contempt committed against the authority of any such court

Persons giving false evidence shall be subject to the pains inflicted for perjury

5 And * * *[1] in case any person or persons in the course of his, her, or their examination upon oath, under and by virtue of the said recited Act of the twenty-fourth year of his present Majesty, or this Act, shall wilfully and corruptly give false evidence, such person or persons so offending and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties as persons guilty of wilful and corrupt perjury shall be liable to by any law or laws then in force in the kingdom, island, or place where such false evidence shall have been given as aforesaid

Where any action shall be brought for anything

6 * * * * * * * * * * * * * where any action, bill, plaint, or suit upon the case, trespass, battery or false imprisonment shall be brought against any

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

of any of the King's Majesty's towns, castle, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of court of record wherein justice was to be ministered that, then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations or that should take any money, fee, reward or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations, of any of the said office or offices or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or any part of any of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations, of which offices or for any part of any of them any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward or profit or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreements, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same, fee, money or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money or reward to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy or enjoy, the said office or offices, deputation or deputations or any part of any of them for the which such person or persons should so give or pay any sum of money, fee or reward, or make any promise, covenant, bond, or other assurance to give or pay any sum of money, fee, or reward, and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made,

and whereas it was in the said Act provided, that the said Act or anything therein contained should not in anywise extend to any office or offices whereof any person or persons was or should be seised of any estate of inheritance nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them,

and whereas it was by the said Act further provided, that if any person or persons did thereafter offend in anything contrary to the tenor and effect of the said Act, yet that notwithstanding all judgments given

and all other act and acts executed or done by any such person or persons so offending by authority or colour of the office or deputation which ought to be forfeited or not occupied or not enjoyed by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration and occupation of the said office or deputation, should be and remain good and sufficient in law to all intents, constructions, and purposes in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made,

and whereas it was by the said Act further provided, that the said Act, or anything therein contained should not in anywise extend or be prejudicial or hurtful to any of the chief justices of the King's courts commonly called the King's Bench or Common Place, or to any of the justices of assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act,

Provisions of recited Act extended to other offices

Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said Act and all the provisions therein contained shall extend and be construed to extend to Scotland and Ireland, and to all offices in the gift of the crown or of any office appointed by the crown, and all commissions, civil, naval or military, and to all places and employments and to all deputations to any such offices, commissions, places, or employments, in the respective departments or offices or under the appointment or superintendence and controul of the lord high treasurer or commissioners of the Treasury, the secretary of state, the lords commissioners for executing the office of lord high admiral, [1] * * * the commander in chief, [1] * * * and also the principal officers of any other public department or office of his Majesty's government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or controul of the United Company of Merchants of England trading to the East Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act,

and the said Act and this Act and all the clauses and provisions therein respectively contained shall be construed as one Act, as if the same had been herein repeated and re-enacted

[1] Words repealed (U K) by 35 & 36 Vict, c 97 (S L R), have been omitted

When right, forfeited, appointment to go to his Majesty

2 Provided always * * * *[1] that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act, or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors

Persons buying or selling offices, or receiving or paying money or rewards for offices, guilty of a misdemeanor

3. And * * * *[1] from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond or assurance, or shall by any way, device, or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward or profit, or make or enter into any promise, agreement, covenant, contract, bond or assurance to give or pay any money, fee, gratuity, loan of money, reward, or profit or shall by any way, means, or device contract or agree to give or pay any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, for any office, commission, place, or employment specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices of any person or persons to any such appointment, nomination, or resignation, then and in every such case every such person and also every person who shall wilfully and knowingly aid, abet or assist such person therein shall be deemed and adjudged guilty of a misdemeanor

Persons receiving or paying money for soliciting offices, or for any negociations or pretended negociations relating thereto, guilty of a misdemeanor

4 And * * * *[1] from and after the passing of this Act, if any person or persons shall receive, have or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device contract or agree to receive or have any money, fee, gratuity, loan of money, reward or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negociation whatever made or to be made or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negociation in or about or in anywise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negociation in or about any such nomination, appointment, deputation or resignation, or for the obtaining, or having obtained, the consent or consents or voice or

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

voices of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation;

and also if any person or persons shall give or pay or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward, or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond, or assurance or by any way, means, or device contract or agree or give or pay or cause or procure to be given or paid any money fee gratuity loan of money, reward, or profit for any solicitation, petition, request, recommendation, or negociation whatever, made or to be made that shall in anywise touch, concern, or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents or voice or voices of any person or persons as aforesaid to any such nomination appointment, deputation, or resignation,

and also if any person or persons shall for or in expectation of gain, fee gratuity, loan of money, reward, or profit solicit, recommend, or negociate in any manner for any person or persons in any matter that shall in anywise touch concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment, or deputation, or resignation aforesaid,

then and in every such case every such person and also every person who shall wilfully and knowingly aid, abet, or assist such person therein shall be deemed and adjudged guilty of a misdemeanor

5 And whereas on the pretence of negociating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negociating the same and advertisements may be published by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on

Be it therefore further enacted, that from and after the passing of this Act if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negociating in any manner whatever any business relating to vacancies, in or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places or employments whatever in or under any public department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein shall be deemed and adjudged guilty of a misdemeanor

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor

6 And * * * *[1] if any person or persons shall advertise or publish or cause or procure to be advertised or in any manner published

Penalty on persons ad-

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R),

vertising such houses, or the names of brokers or agents

any house, room, office, or place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish or cause or procure to be advertised or published the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals for any of the purposes aforesaid,

then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied or recovered in any of his Majesty's courts of record at Westminster as to all offences committed in England or at Dublin as to offences committed in Ireland or in his Majesty's courts in Scotland as to offences committed in Scotland respectively,

and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit

7 and 8 [*Rep as to U K 35 & 36 Vict, c 97 (S L R) Omitted as being obsolete and inapplicable to India*]

Act not to extend to offices excepted in former Act, etc

9. Provided always * * * *[1] that nothing in this Act contained shall extend or be construed to extend to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life * * * *[2]

Act not to extend to deputations where it is lawful to appoint deputies, or to agreements as to payment of principal or deputy out of the fees.

10 Provided also * * * *[1] that nothing in this Act contained shall extend or be construed to extend to prevent or make void any deputation to any office in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively out of the fees or profits of such office

Act not to extend to annual payments out of the fees of any office to any former holder,

11. Provided also * * * *[1] that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment,

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[1] Enacting words repealed (U K.), 51 & 52 Vict, c 3 (S L R)

[2] Words repealed (U K) by 35 & 36 Vict, c 97 (S L R), have been omitted

alter and amend an Act passed in the Forty-seventh Year of the reign of His present Majesty relative thereto

[*10th June, 1811*]

[*Preamble Rep* (*U K*) *50 & 51 Vict* , *c* *59* (*S L R*)]

1 to 3. [*Rep* *36 & 37 Vict.*, *c* *91* (*S L R*)]

Bonds issued by the East India Company under their common seal shall be transferable by delivery, etc

4 And whereas bonds issued under the common seal of the said united company for money borrowed by them by virtue of the powers enabling them to borrow money upon bond have usually been entered into and have been expressed to have been made payable to the person who for the time being has been the treasurer of the said united company, or his assigns, and upon his indorsement thereof they have been *sold and passed from one person to another by delivery of the possession* thereof,

and it is expedient that a legal effect should be given to such mode of transfer of the property in the said bonds and the money secured thereby

Be it therefore further enacted that all bonds issued or to be issued under the common seal of the said united company by virtue of any power by which they have been, are, or hereafter may be authorized to borrow money upon their bonds shall be assignable and transferable by delivery of the possession thereof,

and upon every such assignment or transfer the money secured by the bond so assigned or transferred and due and to become due thereon, and the property in such bond, shall be absolutely vested as well at law as in equity in the person or persons, body or bodies politic and corporate to whom the same shall be so assigned or transferred, and the person or persons, body or bodies politic and corporate to whom any such bond shall be so assigned and transferred and his, her, and their executors, administrators, and successors respectively, shall and may maintain his, her, or their action for the principal and interest secured thereby and due thereon, or otherwise relating thereto, in like manner as the obligee or obligees named in any such bond, or his, her, or their executors, administrators, or successors may now maintain any action thereon,

and in every such action the plaintiff or plaintiffs shall recover his, her, or their debt, damages, and costs of suit, and if any such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs,

and every such plaintiff or plaintiffs, defendant or defendants respectively recovering may sue out execution for such debt, damages and costs by capias, fieri facias, or elegit

[1]5. * * * * * this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices and others, without being specially pleaded Public Act.

THE PRISONERS OF WAR (ESCAPE) ACT, 1812.

(52 Geo. 3, c. 156.)

An Act for the more effectual Punishment of Persons aiding Prisoners of War to escape from His Majesty's Dominions

[29th July, 1812]

WHEREAS many prisoners of war confined and on parole in different parts of his Majesty's dominions have of late escaped by the aid and assistance of many of his Majesty's subjects and others;

and it is necessary to repress such practices and violations of the allegiance due to his Majesty and of the law by more effectual punish-

prisoners to escape

shall knowingly and wilfully upon the high seas aid or assist such prisoner in his escape to or towards any other dominions or place, such person shall also be adjudged guilty of felony, and be liable to be transported as aforesaid,

and such offences committed upon the high seas and not within the body of any county, shall and may be enquired of, tried, heard, determined, and adjudged in any county within the realm, in like manner as if such offences had been committed within such county

Offenders may be tried otherwise than under the provisions of this Act, but not in both ways

4. And * * * *[1] this Act shall not be deemed or taken to prevent any person committing any offence mentioned in this Act from being prosecuted in such manner as he might by law have been prosecuted if this Act had not passed,

but nevertheless no person prosecuted otherwise than under the provisions of this Act shall be liable to be prosecuted for the same offence under the provisions hereof,

and no person prosecuted under the provisions of this Act shall for the same offence be liable to be otherwise prosecuted.

The East India Company Act, 1813

(53 Geo. 3, c 155)

An Act for continuing in The East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges, for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter

[*21st July, 1813*]

33 Geo 3, c 52

WHEREAS by an Act of the Parliament of Great Britain passed in the thirty-third year of his present Majesty's reign for continuing in the East India company for a further term the possession of the British territories in India, together with their exclusive trade, under certain limitations, and for other purposes, the possession and government of the British territories in India, together with an exclusive trade in, to, and from the East Indies, and other the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain charter of the fifth day of September in the tenth year of the same King, were continued in the united company of merchants of England trading to the East Indies, for a term thereby limited, under certain regulation and conditions:

9 Will 3, c 44

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

and whereas by an Act of the Parliament of Ireland passed in the same thirty-third year of his present Majesty's reign for regulating the trade of Ireland to and from the East Indies, under certain conditions and provisions for a time therein mentioned the exclusive privileges granted to the said united company by the said Act of the Parliament of Great Britain were confirmed, subject to certain conditions and restrictions

and whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty together with such other territorial acquisitions on the continent of Asia, or in any island situate to the north of the Equator, as are now in the possession and under the government of the said united company with the revenues thereof, should, without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland in and over the same, or to any claim of the said united company to any rights, franchises, or immunities, remain in the possession and under the government of the said united company for a further term, subject to such powers and authorities for the superintendence, direction, and controul over all acts, operations, and concerns which relate to the civil or military government or revenues of the said territories, and to such further or other powers, authorities, rules, regulations, and restrictions as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act

and whereas it is expedient that, from and after the tenth day of April one thousand eight hundred and fourteen, the right of trading, trafficking, and adventuring in, to, and from all ports and places within the limits of the said united company's present charter, save and except the dominions of the Emperor of China, should be open to all his Majesty's subjects in common with the said united company, subject to certain regulations and provisions, but that the existing restraints respecting the commercial intercourse with China should be continued, and the exclusive trade in tea preserved to the said company during the further term hereby limited [1]

1 to 32 [*Rep 36 & 37 Vict, c 91 (S L R)*]

33 to 39 [*Rep 37 & 38 Vict, c 35 (S L R)*]

40 and 41 [*Rep 36 & 37 Vict, c 91 (S L R)*]

42 And * * * *[2] the said board of commissioners for the affairs of India, by force and virtue of this Act, shall have and be invested with full power and authority to superintend, direct, and controul all orders and instructions whatsoever which in anywise relate to or concern any

Colleges and seminaries of the company to be subject to the controul of the India board

[1] The preamble has not been repealed and is set forth in full in the Statutes Revised

[2] Enacting words, repealed (U K), 51 & 52 Vict, c 3 (S L R)

rules, regulations, or establishments whatsoever of the several colleges established by the said company at Calcutta or Fort Saint George, or of any seminaries which may be established under the authority of any of the governments of the said company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if such orders and instructions immediately related to and concerned the government and revenues of the said territorial acquisitions in the East Indies

Schools, public lectures, etc., for the benefit of the natives, to be provided and regulated by governor general in council, subject to control of the board, but appointments to offices therein to be made by the local governments

43 And * * * *[1] it shall be lawful for the governor general in council to direct that out of any surplus which may remain of the rents, revenues, and profits arising from the said territorial acquisitions, after defraying the expenses of the military, civil, and commercial establishments, and paying the interest of the debt, in manner herein-after provided, a sum of not less than one lac of rupees in each year shall be set apart and applied to the revival and improvement of literature, and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India,

and [2]* * any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded at the presidencies of Fort William, Fort Saint George, or Bombay, or in any other parts of the British territories in India, in virtue of this Act shall be governed by such regulations as may from time to time be made by the said governor general in council, subject nevertheless to such powers as are herein vested in the said board of commissioners for the affairs of India, respecting colleges and seminaries

Provided always, that all appointments to offices in such schools, lectureships, and other institutions, shall be made by or under the authority of the governments within which the same shall be situated

44 to 48. [*Rep 36 & 37 Vict , c 91 (S L R)*]

49 And whereas no sufficient provision hath hitherto been made for the maintenance and support of a church establishment in the British territories in the East Indies and other parts within the limits of the said company's charter

If a bishop and three archdeacons shall be established in India by his Majesty's letter patent

Be it therefore enacted, that in case it shall please his Majesty, by his royal letters patent under the great seal of the said United Kingdom, to erect, found, and constitute one bishoprick for the whole of the said British territories in the East Indies, and parts aforesaid, one archdeaconry for the presidency of Fort William in Bengal, one archdeaconry for the presidency of Fort Saint George on the coast of Coromandel, and one archdeaconry for the presidency and island of Bombay

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[1] Enacting words repealed (U K), 51 & [illegible] Vict , c 3 (S L R)

[2] The word "that" was repealed (U K) by 51 & 52 Vict , c 3 (S L R)

on the coast of Malabar, and from time to time to nominate and appoint a bishop and archdeacons to such bishoprick and archdeaconries respectively, the court of directors of the said company during such time as the said territorial acquisitions shall remain in the possession of the said company shall and they are hereby required to direct and cause to be paid certain established salaries to such bishop and archdeacons respectively, (that is to say,)

their salaries shall be paid by the company

from and out of the revenues of the said presidency of Fort William in Bengal to the said bishop, five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee,

and to the said archdeacon of the said presidency of Fort William, two thousand pounds by the year, at the like exchange,

and from and out of the revenues of the presidency of Fort Saint George on the coast of Coromandel, to the archdeacon of the said presidency of Fort Saint George, two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras,

and from and out of the revenues of the presidency and island of Bombay, on the coast of Malabar, to the archdeacon of the said presidency and island of Bombay, two thousand pounds by the year, at an exchange of two shillings and three pence for the Bombay rupee

50. And * * * * *[1] the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively shall take upon them the execution of their respective offices,

Salaries to commence on taking office, and to cease when functions cease, etc

and [2]* * all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever,

and [2]* * no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken in any manner or on any account or pretence whatsoever, other than the salaries aforesaid,

and [2]* * such bishop and archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East Indies, or parts aforesaid, and no longer

51 Provided always * * * *[1] that such bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the East Indies or elsewhere, but only such jurisdictions and functions as shall or may, from time to time, be limited to

Bishop to have no jurisdiction or functions, except such as may be limited by

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

[2] The word "that" was repealed (U K) by 51 & 52 Vict, c 3 (S L R.)

letters patent. him by his Majesty by letters patent under the great seal of the United Kingdom [1]

His Majesty may grant to the bishop by letters patent such ecclesiastical jurisdiction as he may think necessary

52. And * * * * * [2] it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his letters patent under the great seal of the said United Kingdom, to grant to such bishop so to be nominated and appointed as aforesaid such ecclesiastical jurisdiction, and the exercise of such episcopal functions, within the East Indies and parts aforesaid, as his Majesty shall think necessary for the administering holy ceremonies, and for the superintendence and good government of the ministers of the church establishment, within the East Indies and parts aforesaid, any law, charter, or other matter or thing to the contrary notwithstanding

Warrant for letters patent to be countersigned by the president of the board.

53. And * * * * * [2] when and as often as it shall please his Majesty to issue any letters patent respecting any such bishoprick or archdeaconry as aforesaid, or for the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the president of the board of commissioners for the affairs of India

54 to 78. [*Rep 36 & 37 Vict , c 91 (S L R)*]

79 And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign, it is enacted, that the several orders and proceedings of the presidencies of Fort William, Fort Saint George, and Bombay, should, previously to their being published and put in execution, be signed by the chief secretary[3] to the council of the presidency, by the authority of the governor general in council, or governors in council, as the case may be 33 Geo. 3, c. 52.

and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings

Proceedings at the presidencies to be signed by the principal secretary of the department in the absence of the chief secretary

Be it therefore further enacted, that all such orders and proceedings of the several governments and presidencies in the East Indies and parts aforesaid shall or may, previously to their being published or put in execution, be signed in manner aforesaid, either by the chief secretary[3] to the government of the said presidency, or in the absence of such chief secretary[3] by the principal secretary of the department of such presidency to which such orders and proceedings relate, anything to the contrary notwithstanding

80 and 81 [*Rep 36 & 37 Vict , c 91 (S L R)*]

82 And whereas a strict adherence to the provisions contained in the said Act made in the thirty-third year of his present Majesty's reign, in 33 Geo. 3, c. 52.

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[1] *See* 15 & 16 Vict , c 52, s 1, *post*
[2] Enacting words repealed (U K.), 51 & 52 Vict , c. 3 (S L R)
[3] *See* the Secretaries to Government Act, 1834 (II of 1834), Genl. Acts, Vol I

respect to the filling up and supplying vacancies in the civil service of the said company, has been found impracticable, without detriment to the public service, or injury to the just claims and meritorious exertions of individuals

47 Geo 3, sess 2, c 68 And whereas a modification of the said Act has been in part adopted in the Act of the forty-seventh of his present Majesty, relative to the scholars educated at Hertford College

Be it therefore enacted, that from and after the passing of this Act any office, place, or employment, the salary and perquisites whereof shall exceed the sum of fifteen hundred pounds, may be granted to and conferred upon the said servants who shall have been actually resident in India in the said company's service for the space of four years at the least in the whole antecedent to such vacancy, Places of more than 1,500*l* per annum may be given after four years' service in India, places of more than 3,000*l* per annum after seven years, and places of more than 4,000*l* per annum (including the council) after ten years.

and if the salary, perquisites, and emoluments of any office, place, or employment shall exceed the sum of three thousand pounds per annum, such office may be conferred upon any of the said servants who shall have been actually resident in India seven years at least in the whole,

and if the salary, perquisites, and emoluments of any office, place, or employment shall exceed four thousand pounds per annum, such office, including that of the council, may be granted to or conferred upon any of the said servants who shall have been actually resident in India in the company's service for the space of ten years at the least in the whole

83. [*Rep 36 § 37 Vict, c 91 (S L R)*]

33 Geo 3, c 52, s 70 **84.** And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign it is enacted, that no person who shall hold a military station in the service of the said company, being under the rank of commander-in-chief of the forces, and who having departed from India by leave of the governor general in council, or governor in council, shall not return to India within five years next after such departure, shall be entitled to any rank, or be capable of again serving in India either in the European or native corps of troops, unless it shall be proved to the satisfaction of the said court of directors, and the board of commissioners for the affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident

and whereas inconvenience to the military service of the said company has been found to arise in certain cases from the said provision

Be it therefore enacted, that it shall and may be lawful for the said court of directors, with the approbation of the said board of commissioners, to permit any military officer, being of the rank of a general officer or colonel commanding a regiment, or being a lieutenant colonel commandant of a regiment, who having departed from India with such Certain officers may return to India, after five years' absence, wit consent of

the directors and the board, though their absence may not have been occasioned by sickness, infirmity, or inevitable accident.

leave as aforesaid, shall not have returned to India within five years from the time of such departure to have his rank and to be capable of again serving in India, although such absence may not have been occasioned by sickness or infirmity, or any inevitable accident, any thing in the said Act contained to the contrary notwithstanding.

Restored civil servants to take precedence according to their seniority at the time of their departure from India

85. And * * * *[1] when and as often as any person having held any civil station in India in the service of the said company, and having departed from India by leave of the governor general in council, or governor in council, shall be restored to the said company's service after an absence of five years from the time of such departure, such person from and after such restoration shall take rank and precedence only according to the time he shall have passed in the service of the said company at the period of his departure from India,

and on his return to India, if any other civil servant or servants at the settlement to which he shall belong shall have then passed a greater or the like length of time in the service of the said company, as the person so restored had passed when he left India, the person so restored shall be placed and take rank immediately below such other civil servant or servants, any matter or thing to the contrary notwithstanding

86 And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty's reign, it is enacted, that all the civil servants of the said united company in India under the rank or degree of member of council shall have and be entitled to precedence in the service of the said company at their respective stations according to the seniority of their appointment

33 Geo 3, c 52, s 56

and whereas the several governments of the said company are often prevented from appointing meritorious servants of the said company to be members of courts, boards, and other official establishments, where offices or employments are exercised by several servants of the said company collectively, lest by such appointment one or more members of such court, board, or other establishment should be superseded

Servants of the company may be appointed to boards, courts, or other official establishments, though they do not take precedence according to seniority of services.

Be it therefore enacted, that it shall and may be lawful for any governor general or governor in council of the said company, if he shall think proper, upon application in writing for that purpose by any civil servant of the said company desirous of being appointed a member of any such court, board, or other establishment, by special order to direct that such servant of the said company, on being appointed to any office or employment in such any court, board, or other establishment shall take precedence at or in such court, board, or other establishment according to the seniority of his appointment as a member of such court, board,

[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

or other establishment, although such civil servant in respect of whom such order shall be made may thereby not take precedence at or in such court, board, or other establishment, according to the seniority of his appointment to the service of the said company,

and such civil servant shall thereupon take precedence at such court, board, or other establishment accordingly, the said Act or any other matter or thing to the contrary notwithstanding

87 and 88. [*Rep 36 & 37 Vict, c 91 (S L R)*]

Recital of 13 Geo 3, c. 63, s 22

89.[1] And whereas by a certain Act passed in the thirteenth year of his present Majesty's reign, intituled "An Act for establishing certain regulations for the better management of the affairs of the East India company as well in India as in Europe," it is enacted that the salaries of the governor general and council of Fort William, and of the chief justice and judges of the supreme court of judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain, and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence from and after their respectively taking upon them the execution of their offices

39 & 40 Geo 3, c. 79, s. 7.

and whereas by an Act passed in the fortieth year of his Majesty's reign, intituled "An Act for establishing further regulations for the government of the British territories in India and the better administration of justice within the same," a similar provision is made in respect to the salaries of the chief justice and judges of the supreme court of judicature at Madras

37 Geo 3, c 142, s 20

and whereas by an Act passed in the thirty-seventh year of his Majesty's reign, intituled "An Act for the better administration of justice at Calcutta, Madras and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India," a similar provision is made in respect to the salary of the recorder of the court of judicature at Bombay

and whereas no such provision has been made respecting the commencement of the salaries of the governor or council of Fort St George, or of the governor or council of the town and island of Bombay, or of the governor of Prince of Wales' Island, or of the recorder there

and whereas it is expedient that a general and moderate provision should be made in respect of all the said offices, and of others who may happen to be in the United Kingdom at the time of their appointments

[1] S 89 was repealed by 41 & 42 Vict, c 79 (S L R), so far as it relates to the Governor of Prince of Wales' Island and the Recorder there

Recited Acts repealed as to commencement of salaries

Be it therefore further enacted that so much of the said Acts of the thirteenth, thirty-seventh and fortieth years of his Majesty's reign, as relates to the commencement of salaries, shall be and the same is hereby repealed,

Salaries when to commence

and that from and after the passing of this Act the salaries of the several officers herein-before mentioned shall commence from and after their respectively taking upon them the execution of their offices * * * * * [1]

90 to 92 [*Rep 36 & 37 Vict , c 91 (S L R)*]

93 And whereas it is reasonable that the said court of directors should have power to grant allowances in the nature of superannuations to such of their officers and servants in England, as from age or infirmity may no longer be qualified for the execution of their several offices or employments

Court of directors may grant superannuations to company's servants in England.

Be it therefore enacted, that it shall and may be lawful to and for the said court of directors to make allowances, compensations, remunerations or superannuations to the officers and servants of the said company in England, subject to the restrictions and according to the conditions and proportions following, (that is to say,)

where it shall be proved to the satisfaction of the said court of directors that any such officer or servant, being under sixty years of age, shall be incapable from infirmity of mind or body to discharge the duties of his office, in such case,

if he shall have served with diligence and fidelity in the service of the said company for ten years, it shall and may be lawful to grant him, by way of superannuation, any annual sum not exceeding one-third of the salary and allowed emoluments of his office,

if above ten years and less than twenty, any such sum not exceeding one-half of such salary and allowed emoluments,

if above twenty years, any such sum not exceeding two-thirds of such salary and allowed emoluments;

if such officer or servant shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall and may be lawful, without proof of infirmity of mind or body, to grant him, by way of superannuation, any annual sum not exceeding two-thirds of the salary and allowed emoluments of his office,

if sixty-five years of age or upwards, and he shall have served forty years or upwards, any such sum not exceeding three-fourths of such salary and allowed emoluments,

[1] The rest of the section was repealed by 43 Vict , c 3, s 5

if sixty-five years of age or upwards, and he shall have served fifty years or upwards, any such sum not exceeding the whole of such salary and allowed emoluments,

all which allowances so to be made shall be charged in the books of account of the said company to the debit of that branch of the company's affairs to which the said officers or servants may respectively belong, anything in the said Act of the thirty-third year of his Majesty's reign to the contrary notwithstanding

94 Provided always * * * * [1] that an account of all allowances, compensations, remunerations, and superannuations, which shall be granted either to the officers or servants of the said board of commissioners or to the officers or servants of the said company as aforesaid during the preceding year, shall be laid before Parliament within fifteen days after the next meeting thereof — Account of superannuations to be laid before Parliament

95 [*Rep 36 & 37 Vict, c 91 (S L R)*]

96. And whereas doubts have been entertained whether these several governments of the said company have sufficient power in all cases to make laws and regulations and Articles of War for the order and discipline of officers and soldiers, being natives of the East Indies or other places within the limits of the said company's charter, in the service of the said company, and for the administration of justice by courts martial to be holden upon such officers and soldiers,

and it is expedient that such doubts should be removed

Be it therefore enacted and declared, that the several governments of Fort William, Fort Saint George, and Bombay have and shall, during the continuance of the term hereby granted to the said company, be deemed and taken to have full power and authority to make all such laws and regulations and Articles of War as they may think fit, for the ...pline of all officers and soldiers, natives of the East Indies ...in the limits of the said company's charter, in their ...nd for the administration of justice by courts ... such native officers and soldiers, and for the ...of proceeding of such courts martial, and for ...to or in any manner concerning such native ...ull and ample a manner as the said govern... ...ke any other laws or regulations for the ...f the several territories subject to the said ...y Act of Parliament or other matter or ...standing — The governments in India may make laws, regulations, and Articles of War, for the native troops, and for holding courts martial

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[1] ...aled (U K), 51 & 52 Vict, c 3 (S L R)

Provided always, that all laws, regulations, and Articles of War hereafter to be made respecting any of the matters aforesaid, whereby the rights, persons, or property of any such native officers or soldiers may be affected, shall be made and promulgated in every respect in the same manner as other regulations affecting the rights, persons, or property of natives or other individuals amenable to the provincial courts of the presidency of Fort William in Bengal are directed to be made by virtue of an Act passed in the thirty-seventh year of his Majesty's reign, intituled "An Act for the better administration of justice at Calcutta, Madras, and Bombay, and for preventing British subjects from being concerned in loans to the native princes in India" 37 Geo 3 c 142

97. [*Rep 53 & 54 Vict, c 33 (S L R.), rep also as to B I. by XII of 1873, s. 1 and sch.*]

98 and 99. [*Rep 53 & 54 Vict, c 33 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

100 to 103. [*Rep 53 & 54 Vict, c 33 (S L. R), rep also as to B I by X of 1895, s 2 and sch*]

104. [*Rep 53 & 54 Vict, c. 33 (S L R), rep also as to B. I. by XIV of 1870, s 1 and sch*]

105. [*Rep 53 & 54 Vict, c 33 (S L R.), rep also as to B. I. by X of 1882, s 2 and sch*]

106. [*Rep 53 & 54 Vict, c 33 (S L R.).*]

107. [*Rep 53 & 54 Vict, c 33 (S L R), rep. also as to B. I by XI of 1836*]

108 and 109. [*Rep 53 & 54 Vict, c 33 (S. L R.), rep. also as to B I by XIV of 1870, s 1 and sch*]

110. [*Rep 53 & 54 Vict, c 33 (S L R)*]

111 And whereas doubts have arisen whether the advocate general or other principal law officer of the said company, at any of the said company's presidencies, is by law authorized to exhibit to the respective courts of judicature at any of the said presidencies, for and on behalf of his Majesty, informations in the nature of actions at law or bills in equity for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to his Majesty

For remedy thereof, be it further enacted, that it shall and may be lawful to and for the advocate general or other principal law officer of the said company for the time being, at each of the said company's presidencies respectively, for and on behalf of his Majesty, his heirs and successors, to exhibit to the respective supreme courts of judicature of the said company's presidencies of Fort William and Madras, or to the recorder's court at Bombay, or the court of judicature at Prince of Wales' Island, any information or informations in the nature of an action or actions at law, or of a bill or bills in equity as occasion shall require, against any person or persons residing within or being amenable to the jurisdiction of the said courts respectively, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, as fully and effectually to all intents and purposes as his Majesty's attorney general for the time being is by law authorized to exhibit any such information or informations in any of his Majesty's courts of law or equity in this realm, Advocate general of the company may file informations in King's courts, for debts due to his Majesty

and that thereupon such proceedings shall be had, as far as the circumstances of the case and the course and practice of the said courts of judicature at the said several presidencies will admit, as are had upon any such informations exhibited by his Majesty's attorney general in any of his Majesty's courts of law or equity in this realm

112 [*Rep 36 & 37 Vict , c 91 (S L R), rep also as to B I by II of 1869, s 2 and sch*]

113 [*Rep 36 & 37 Vict , c 91 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

114 to 120. [*Rep 36 & 37 Vict , c 91 (S L R)*]

121 [*Rep 36 & 37 Vict , c 91 (S L R), rep also as to B I. by XII of 1873, s 1 and sch*]

122 [*Rep 36 & 37 Vict , c 91 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

123 [*Rep 37 & 38 Vict , c 35 (S L R), rep also as to B I by XII of 1873, s 1 and sch*]

124 [*Rep 53 & 54 Vict , c 33 (S L R), rep also as to B. I by IX of 1871, s 2 and sch 1*]

125 [*Rep 36 & 37 Vict , c 91 (S. L R)*]

Provided always, that no order in council or regulation here-after to be made, and declaring or prescribing the limits of any of the said towns, shall be valid or effectual, until it shall have been sanctioned or shall have been authorized to be made and passed by the court of directors of the united company of merchants of England trading to the East Indies, with the approbation of the board of commissioners for the affairs of India

2 to 9 [*Rep* *36 & 37 Vict., c 91 (S L. R)*]

THE ORDINATION FOR COLONIES ACT, 1819

(59 Geo. 3, c 60)

An Act to permit the Archbishops of Canterbury and York and the Bishop of London for the Time being to admit Persons into Holy Orders specially for the Colonies

[*2nd July, 1819*]

[*Preamble Rep (U. K) 53 & 54 Vict , c 51 (S L R)*]

1. [1] * * * It shall be lawful for the archbishop of Canterbury, the archbishop of York, or the bishop of London for the time being, or any bishop specially authorized and empowered by any or either of them, to admit into the holy orders of deacon or priest any person whom he shall upon examination deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his Majesty's colonies or foreign possessions and residing therein, Archbishop of Canterbury or York or bishop of London, or any bishop specially authorized by any of them, may ordain specially for the colonies.

and [1] * a declaration of such purpose and a written engagement to perform the same under the hand of such person, being deposited in the hands of such archbishop or bishop, shall be held to be a sufficient title with a view to such ordination, The fact to be stated in the letters of ordination.

and [1] * in every such case it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders that he has been ordained for the cure of souls in his Majesty's foreign possessions

2 to 5 [*Rep 37 & 38 Vict , c 77*]

6 [*Rep 36 & 37 Vict , c 91 (S L R)*]

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[1] The enacting words and the word "that" in two places were repealed (U K) by 53 & 54 Vict , c, 51 (S L, R)

but [1] * * , such proceedings may be resumed and proceeded upon in a subsequent session or in a subsequent Parliament in either House of Parliament in like manner and to all intents and purposes as they might have been in the course of one and the same session, any law, usage, or custom to the contrary notwithstanding

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The Indian Bishops and Courts Act, 1823

(4 Geo 4, c 71.)

An Act [2] * * * * *for establishing the Pensions of the Bishop, Archdeacons, and Judges, for regulating Ordinations, and for establishing a Court of Judicature at Bombay*

[*11th July, 1823*]

[*Preamble recites 53 Geo 3, c 155 Rep 53 & 54 Vict, c. 33 (S L R)*]

1 and 2 [*Rep 36 & 37 Vict, c 91 (S L R)*]

Pensions to bishop and archdeacons.

3 * * * * [3] it shall and may be lawful for his Majesty, [4] * * * * in manner in the said Act mentioned, to grant to any such bishop who shall have exercised in the East Indies or parts aforesaid for ten years the office of bishop or archdeacon, * * * * * * * * [5] pensions not exceeding such sums respectively as his Majesty by the said Act of the fifty-third year of the reign of his late Majesty is empowered to grant to any such bishop * * [5]

Where chaplains are appointed archdeacons, their residence as chaplains shall count towards pension in a certain proportion.

4 Provided also * * * * [3] that if any person residing any time in the East Indies or parts aforesaid, as one of the chaplains of the said united company, shall have been or shall be appointed to the office of such archdeacon as aforesaid, and shall have resided in the East Indies or parts aforesaid as such archdeacon seven years, the period of residence of such person as chaplain shall be accounted and taken as and for a residence as such archdeacon, in the proportion of three years' residence as such chaplain to two years' residence as such archdeacon

Provided also, that nothing herein contained shall extend or be construed to extend to prejudice the right of any person being or having been a chaplain of the said united company to any benefit he may be entitled to as under or by virtue of any regulation now in force or hereafter to be made by the said united company or their court of directors, nor to prejudice or affect the right of the said united company or their court of directors to make, repeal, vary, or alter any regulation or regulations respecting the chaplains of the said united company, or the pay

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[1] The word "that" was repealed (U K) by 53 & 54 Vict, c 51 (S L R)

[2] Words repealed by 53 & 54 Vict, c 33 (S L R), have been omitted

[3] Enacting words repealed, 53 & 54 Vict, c 51 (S L R)

[4] The words "his heirs and successors" were repealed by 53 & 54 Vict, c 33 (S L R)

[5] The words "and to any such archdeacon who shall have exercised in the East Indies or parts aforesaid for the years the office of archdeacon" and the words "or archdeacon" were repealed by 43 Vict, c. 3, s 5

or allowances, pensions or retirements of such chaplains, which the said united company or their court of directors may now lawfully make, repeal, vary, or alter

5 [*Recital Rep 53 & 54 Vict, c 33 (S L R)*] It shall and may be lawful for the said company, and they are hereby required, to provide a suitable house at Calcutta for the residence of the said bishop, and [1]* * the expence of the visitations to be made by the said bishop from time to time shall be defrayed by the said company out of the revenues of the British territories in India Residence and expence of visitations of bishop to be provided and defrayed by the company

Provided always, that no greater sum on account of providing such house, or of such visitations, be at any time issued, than shall from time to time be defined and settled by the court of directors of the said company with the approbation of the commissioners for the affairs of India, any law or statute to the contrary notwithstanding

6 [*Recital Rep 53 & 54 Vict, c 33 (S L R)*] It shall and may be lawful for the bishop of Calcutta for the time being to admit into the holy orders of deacon and priest respectively, any person whom he shall, upon examination, deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said diocese of Calcutta, and residing therein, Power to the bishop of Calcutta to admit persons to holy orders for cure of souls in his diocese

and [1]* * a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such bishop, shall be held to be a sufficient title with a view to such ordination,

and [1]* * in every such case it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only,

and [1]* * unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make

Provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled "An Act for continuing in the East India company for a further term the possession of the British territories in India, together with certain exclusive privileges, for establishing further regulations for the government of the said territories, and the better administration of justice within the same, and for regulating the trade to and from the places within the limits of the said company's charter," or any letters patent Saving of provisions of 53 Geo 3 c 155, etc.

[1] The word "that" was repealed by 53 & 54 Vict, c 33 (S L R)

issued by his late Majesty or by his [1]* * Majesty, [1]* * * * in virtue of the said Act or of their lawful prerogative

7 [*Recital of Letters Patent, dated 8th January, in the year 26 Geo 2, and of Acts 37 Geo 3, c 142, 13 Geo 3, c 63, and 39 § 40 Geo 3, c 79 Rep 53 § 54 Vict, c 33 (S L R)*]

His Majesty may establish a supreme court of judicature at Bombay.

It shall and may be lawful for his Majesty, [2]* * * by charter or letters patent under the great seal of Great Britain, to erect and establish a supreme court of judicature at Bombay aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, [2]* * * with full power to exercise such civil, criminal, admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects, and to be invested with such powers and authorities, privileges, and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and controul, within the said town and island of Bombay, and the limits thereof, and the territories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said government of Bombay, as the said supreme court of judicature at Fort William in Bengal by virtue of any law now in force and unrepealed doth consist of, is invested with, or subject to, within the said Fort William, or the places subject to or dependent on the government thereof

Provided always, that the governor and council at Bombay and the governor general at Fort William aforesaid shall enjoy the same exemption and no other from the authority of the said supreme court of judicature to be there erected, as is enjoyed by the said governor general and council at Fort William aforesaid for the time being from the jurisdiction of the supreme court of judicature there already by law established

8 to 10 [*Rep 36 § 37 Vict, c 91 (S L R), rep also as to B I by XIV of 1870, s 1 and sch*]

Salaries to be in lieu of all fees.

11 * * * *[3] the said salaries of such chief justice and judges shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid,

and [4]* * all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever;

and [4]* * no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken in any manner or on any account or pretence whatsoever, other than such salaries or allowances as are in and by this Act directed to be paid

12 and 13 [*Rep 53 § 54 Vict, c 33 (S L R)*]

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[1] The words "present" and "their heirs and successors" were repealed by 53 & 54 Vict c 33 (S L R)

[2] The words "his heirs and successors" were repealed by 53 & 54 Vict, c 33 (S L R)

[3] Enacting words repealed, 53 & 54 Vict, c 51 (S L R)

[4] The word "that" was repealed by 53 & 54 Vict, c 51 (S L R)

14 to 16 [*Rep 36 & 37 Vict, c 91 (S. L R), s. 14 rep. also as to B I by XIV of 1870, s 1 and sch*]

17 * * * *[1] it hath been and is and shall be lawful for the supreme court of judicature at Madras, within Fort Saint George and the town of Madras and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the government of Madras, Supreme courts at Madras and Bombay to have the same powers as the supreme court at Fort William in Bengal.

and [2]* * it shall be lawful for the said supreme court of judicature at Bombay to be created by virtue of this Act, within the said town and island of Bombay and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said government of Bombay,

and the said supreme courts respectively are hereby required within the same respectively,

to do, execute, perform, and fulfil all such acts, authorities, duties, matters, and things whatsoever, as the said supreme court of Fort William is or may be lawfully authorized, empowered, or directed to do, execute, perform, and fulfil within Fort William in Bengal aforesaid, or the places subject to or dependent upon the government thereof

18. [*Rep 36 & 37 Vict, c 91 (S L R)*]

THE LASCARS ACT, 1823

(4 Geo. 4, c. 80.)

An Act to consolidate and amend the several Laws now in force with respect to Trade from and to places within the limits of the Charter of the East India Company, and to make further Provisions with respect to such Trade, * * * *[3]

[*18th July, 1823*]

[*Preamble Rep 53 & 54 Vict, c 33 (S L R)*]

1 to 24 [*Rep 36 & 37 Vict, c 91 (S L R)*]

25 * * * *[4] it shall and may be lawful to and for the governor general of Fort William in Bengal in council, and he is hereby required, as soon as may be, to make, ordain, and publish, and from time to time as occasion may require to repeal and alter, and newly to Governor of Fort William to make rules, etc., with respect to masters,

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[1] Enacting words repealed, 53 & 54 Vict, c 51 (S L R)
[2] The word "that" was repealed by 53 & 54 Vict, c 51 (S L R)
[3] This Act is repealed except such parts thereof as relate to Asiatic sailors, lascars, being natives of the territories under the government of the East India Company, by 3 & 4 Will 4, c 93, s 1 For saving, *see* 57 & 58 Vict, c. 60, s 125 (*5*) Rest of the title was repealed by 53 & 54 Vict, c 51 (S L R)
[4] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)

etc., for lascars, etc., in ships trading under this Act.

make, ordain, and publish such rules and regulations to be observed by masters, officers, and owners of ships and vessels trading under the authority of this Act, the crews of which ships or vessels shall be wholly or in part composed of Asiatic sailors, lascars, or natives of any of the territories, countries, islands, or places within the limits of the charter of the said united company, for the due supply of provisions, clothing, and other necessary accommodation of such Asiatic sailors, lascars, and natives aforesaid, whilst they shall be on board such ships or vessels, and whilst absent from the countries or places to which they shall respectively belong, and until they shall be carried back to the places to which they may belong or from whence they may have been brought, and for the conveyance back of such Asiatic sailors, lascars, or natives as aforesaid within a reasonable time to be fixed by such rules or regulations

Such rules and regulations to be observed in like manner as if they had formed part of this Act, etc

26 * * * *[1] all such rules and regulations, until they shall be repealed and altered, shall be observed and performed according to the true intent and meaning thereof, in like manner as if they had been herein inserted and had formed part of this Act,

and a copy of all and every such rules and regulations, signed and authenticated as such by the secretary for the time being of the government of Bengal, or by the secretary for the time being of the said united company, shall be deemed and received and taken in and by all courts, justices, and other persons, as full, sufficient, and conclusive evidence of such rules and regulations

27. [*Rep 57 & 58 Vict, c 60*]

Penalty for breach of rules as to lascars, etc.

28. * * * *[1] for every breach or non-observance of any rule or regulation to be made in pursuance of this Act in relation to Asiatic sailors, lascars, or natives aforesaid, which shall have happened or taken place, * * * * * *[2] the master or commander and all and every the owners and owner of the ship or vessel on board which any such Asiatic sailor, lascar, or native aforesaid shall be or shall have been, shall forfeit the sum of ten pounds for every Asiatic sailor, lascar, or native aforesaid in respect of whom such breach, non-observance * *[2] or defect shall have happened or taken place, to be recovered against the master, commander, and owners jointly or severally by bill, plaint, information, or action in any of his Majesty's courts of record in the United Kingdom of Great Britain and Ireland, or in the East Indies or elsewhere, to be commenced in the county or presidency or place where any such offender may happen to be, or by conviction in a summary way before two justices of the peace in the United Kingdom or in the East Indies, of the county or presidency where any such offender may happen to be

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[1] Enacting words repealed (U K), 51 & 52 Vict, c 3 (S L R)
[2] Words repealed by 57 & 58 Vict, c 60, have been omitted

and of which sum and sums so to be forfeited one-third part thereof shall go, belong, and be paid to person or persons who shall inform or sue for the same, and the other two-third parts thereof shall be paid to such person or persons as the court or justices before whom the same shall be recovered shall award, to be applied in payment or reimbursement of any expence which may have been incurred by or for the use of the Asiatic sailor, lascar, or native aforesaid, or the respective Asiatic sailors, lascars, or natives aforesaid, in respect of whom such forfeiture or forfeitures shall have been recovered, or in such other manner, for his or their maintenance, return home, or benefit, as the court or justices before whom the same shall be recovered shall direct

29 and 30. [*Rep as to U K 54 & 55 Vict , c 67 Omitted as being inapplicable to India*]

31 [*Recital Rep 53 & 54 Vict , c 33 (S L R)*] If any 1* Asiatic sailor, lascar, or native aforesaid shall at any time be convicted of an act of vagrancy under any of the laws in force in the United Kingdom respecting vagrants, it shall and may be lawful to and for the justice or justices or magistrates, before whom such conviction shall take place, to order and direct that he shall be shipped on board any ship or vessel bound to the place, or as near as may be to the place, to which he shall belong, or from which he shall have been brought and the commander of which shall be willing to take charge of him in order to his being returned thereto, at the expence of the person or persons liable under any rule or regulation to be made as before mentioned, or of any other person being otherwise willing to defray the same,

Lascars, etc convicted of vagrancy to be shipped on board of a vessel bound to the place from whence they were brought

and it shall and may be lawful for the commander of any such ship or vessel having taken charge of such vagrant, and he is hereby required, to keep and detain him on board his ship for the voyage for which he

The Slave Trade Act, 1824 [1]

(5 Geo. 4, c. 113.)

An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade

[*24th June, 1824*]

[*Preamble Rep 53 & 54 Vict, c 33 (S L R)*]

1 [*Rep 36 & 37 Vict, c 88, s 30*]

The purchase, sale, or contract for slaves declared unlawful, as also the removal, importation or exportation of slaves,

2. [2]* * * * it shall not be lawful ([3]* * * *) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or to carry away, or remove, or to contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves, or to import or bring, or to contract for importing or bringing into any place whatsoever slaves or other persons, as or in order to their being dealt with as slaves, or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves, or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons for the purpose of their being imported or brought into any place whatsoever as or in order to their being dealt with as slaves, or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or to become guarantee or security, or to contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the

the fitting out of vessels, or making of loans or guarantees on shipping of goods for the above purposes,

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[1] Extended by 6 & 7 Vict, c 98

[2] The words "and be it further enacted, that" were repealed (U K) by 51 & 52 Vict, c. 57 (S L R)

[3] The words "except in such special cases as are hereinafter mentioned" were repealed (U K.) by 53 & 54 Vict, c 33 (S L R)

then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for each and every slave so dealt or traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transhipped, embarked, received, detained, or confined on board, or so contracted for as aforesaid, the one moiety thereof to the use of his Majesty, [1]* * * * and the other moiety to the use of any person who shall inform, sue, and prosecute for the same,

and all property or pretended property in such slaves or persons as aforesaid shall also be forfeited, and the said slaves or persons shall and may be seized and prosecuted as herein-after is mentioned and provided

Ships fitted out for slave trade to be forfeited.

4. [2]* * * * if any persons shall fit out, man, navigate, equip, despatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, such ship, vessel, or boat, together with all her boats, guns, tackle, apparel, and furniture, and together likewise with all property, goods, or effects found on board belonging to the owner or owners, part owner or part owners of any such ship, vessel, or boat, shall become forfeited, and may and shall be seized and prosecuted as herein-after is mentioned and provided

Penalty for embarking capital in the slave trade, etc.

5. [2]* * * * if any persons shall knowingly and wilfully lend or advance, or become security for the loan or advance, or shall contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful,

then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so lent, advanced, or secured or so contracted for as aforesaid, to be recovered and applied as is herein-after mentioned and provided

Penalty for slave adventures.

6 [2]* * * * if any persons shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall in any

[1] The words "his heirs and successors" were repealed (U K) by 53 & 54 Vict., c 33 (S L R)

[2] The words "And be it further enacted, that" and "(except in such special cases or for such special purposes as are in and by this Act permitted)" were repealed (U K.) by 51 & 52 Vict, c. 57 (S L R), and 53 & 54 Vict, c 33 (S L R), respectively

other manner engage or contract to engage directly or indirectly therein as a partner, agent, or otherwise,

then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so by them secured or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided

7. [1]* * * * if any person shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving, or putting on board of any ship, vessel, or boat, any money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful,

Penalty for shipping goods, etc, to be employed in the slave trade.

then and in every such case the persons so offending, and their procurers counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so shipped, transhipped, laden, received, or put on board, or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided

8 [1]* * * * if any person shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject matter engaged or employed, or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful,

Penalty for insuring slaves or slave adventures

then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for every such insurance or contract for the same, and also treble the amount of the premium of any such insurance or contract for the same, the one moiety thereof to the use of his Majesty,[2]* * * *, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same, and every such insurance shall be absolutely null and void

9. [3]* * * * if any subject or subjects of his Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories or territories now or hereafter belonging to his Majesty, or being in his Majesty's occupation or possession, or under the government of the United Company of Merchants of England trad-

Subjects of his Majesty, etc, dealing in slaves on the high seas, etc, to be deemed guilty of piracy

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[1] See footnote to section 4

[2] The words "his heirs and successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

[3] The words "And be it further enacted, that" were repealed (U K) by 51 & 52 Vict, c 57 (S L R)

ing to the East Indies, shall, [1]* * * * upon the high seas, or in any haven, river, creek, or place where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid, or assist in carrying away, conveying, or removing, any person or persons as a slave or slaves or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, or shall [2]* * * * upon the high seas, or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining, on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed, or removed as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves,

then and in every such case the person or persons so offending shall be deemed and adjudged guilty of piracy, felony, and robbery [3]* *

Persons dealing in slaves or removing or exporting or importing slaves,

10 [4]* * * * if any persons shall deal or trade in, purchase, sell, barter, or transfer or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall, [5]* * * * carry away or remove, or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves, or shall import or bring, or contract for the importing or bringing into any place whatsoever slaves or other persons, as or in order to their being dealt with as slaves, or shall, [5]* * * * ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves, or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their

[1] The words " except in such cases as are in and by this Act permitted " and " after the first day of January, 1825 " were repealed (U K) by 53 & 54 Vict , c. 33 (S L R), and 51 & 52 Vict , c 57 (S L R), respectively

[2] The words " after the said first day of January, 1825 " and " except in such cases as are in and by this Act permitted " were repealed (U K), by 51 & 52 Vict., c. 57 (S L R), and 53 & 54 Vict , c 33 (S L R), respectively

[3] The words " and being convicted thereof shall suffer death without benefit of clergy and loss of lands, goods and chattels as pirates, felons and robbers upon the seas ought to suffer " were repealed (U K) by 51 & 52 Vict , c 57 (S L R)

[4] The words " And be it further enacted, that " and " (except in such special cases as are in and by this Act permitted or otherwise provided for) " were repealed (U K), by 51 & 52 Vict , c. 57 (S L R), and 53 & 54 Vict , c 33 (S L R), respectively

[5] The words " otherwise than as aforesaid " were repealed (U K.) by 53 & 54 Vict , c 33 (S L R)

being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves, or shall fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall knowingly and wilfully lend or advance, or become security for the loan or advance, or contract for the lending or advancing or becoming security for the loan or advance, of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or in any other manner to engage or to contract to engage directly or indirectly therein as a partner, agent, or otherwise, or shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving or putting on board of any ship vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall take the charge or command, or navigate, or enter and embark on board, or contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, surgeon, or supercargo, knowing that such ship, vessel, or boat is actually employed or is, in the same voyage or upon the same occasion in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed, in accomplishing any of the objects, or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful, or shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject matter engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall wilfully or fraudulently forge or counterfeit any certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or any receipt (such receipts being required by this Act), or any part of such certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or receipt as aforesaid, or shall knowingly and wilfully utter or publish

or fitting out slave ships,

or embarking capital, etc, in the slave trade,

or guaranteeing slave adventures,

or shipping goods, etc, to be employed in the slave trade,

or serving on board slave ships as captain, master, surgeon, etc

or insuring slaves or slave adventures,

or forging instruments relating to the slave laws,

the same, knowing it to be forged or counterfeited, with intent to defraud his Majesty, [1]* * * or any other person or persons whatsoever, or any body politic or corporate,

declared guilty of felony, etc

then and in every such case the person or persons so offending, and their procurers, counsellors, aiders, and abbettors, shall be and are hereby declared to be felons, and shall be transported beyond seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted

Seamen, etc, serving on board such ships declared guilty of a misdemeanor, etc

11 [2]* * * * * if any persons shall enter and embark on board, or contract for the entering and embarking on board of any ship, vessel, or boat, as petty officer, seaman, marine, or servant, or in any other capacity not herein-before specifically mentioned, knowing that such ship, vessel, or boat is actually employed or is, in the same voyage or upon the same occasion in respect of which they shall so enter and embark on board, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful,

then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall be and they are hereby declared to be guilty of a misdemeanor only, and shall be punished by imprisonment for a term not exceeding two years

Making any offence piracy, felony, etc, shall not affect the provisions of this Act, imposing forfeitures or penalties for any such offence

12 Provided always [3]* * * * that nothing in this Act contained, making piracies, felonies, robberies, and misdemeanors of the several offences aforesaid, shall be construed to repeal, annul, or alter the provisions and enactments in this Act also contained, imposing forfeitures and penalties or either of them upon the same offences, or to repeal, annul, or alter the remedies given for the recovery thereof, but that the said provisions and enactments imposing forfeitures and penalties shall in all respects be deemed and taken to be in full force, [4]* *

13 to 38 [*Rep 36 & 37 Vict, c 88, s 30*]

Mortgages, etc, given for purposes hereby declared unlawful shall be void, except in case of *bonâ fide* purchasers of negotiable securities without notice

39 [5]* * * * every mortgage, bond, bill, note, or other security, made in or to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have by this Act been declared unlawful, shall, except in the case of a *bonâ fide* purchaser or holder of any such of the said securities as are in their

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[1] The words "his heirs or successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

[2] The words "And be it further enacted that" and "(except in such special cases and for such special purposes as are in and by this Act expressly permitted)" were repealed (U K) by 51 & 52 Vict, c 57 (S L R), and 53 & 54 Vict, c 33 (S L R), respectively

[3] The words "and it is hereby further enacted and declared" were repealed (U K) by 51 & 52 Vict, c 57 (S L R)

[4] Rest of the section was repealed by 36 & 37 Vict, c 88, s 30

[5] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)

nature negotiable, who may have purchased or obtained the same without notice that the same were made or given for any such unlawful purposes, be void

Offenders giving information against owners of vessels, etc, to be exempted from penalties

40. Provided always [1] * * * * that if any person or persons offending as a petty officer, seaman, marine, or servant, against any of the provisions of this Act, shall, within two years after the offence committed, give information on oath before any competent magistrate against any owner or part owner, or any captain, master, mate, surgeon, or supercargo of any ship or vessel, who shall have committed any offence against this Act and shall give evidence on oath against such owner, or part owner, captain, master, mate, surgeon, or supercargo, before any magistrate or court before whom such offender may be tried,

or if such person or persons so offending shall give information to any of his Majesty's ambassadors, ministers plenipotentiary, envoys, chargés d'affaires, consuls, residents, or other agents, so that any person or persons owning such ship or vessel, or navigating or taking charge of the same, as captain, master, mate, surgeon, or supercargo may be apprehended,

such person or persons so giving information and evidence shall not be liable to any of the pains or penalties under this Act incurred in respect of his offence, and his Majesty's ambassadors, ministers plenipotentiary, envoys, chargés d'affaires, consuls, residents, or other agents are hereby required to receive any such information as aforesaid, and to transmit the particulars thereof, without delay, to one of his Majesty's principal secretaries of state, and to transmit copies of the same to the commanders of his Majesty's ships or vessels then being in the said port or place

41 to 46. [*Rep 36 & 37 Vict, c 88, s 30*]

Limitation of suits, etc, for penalties and forfeitures

47. [1] * * * * all actions, suits, bills, indictments, or informations, for the recovery of any of the penalties or forfeitures under this Act, may be commenced, had, brought, sued, exhibited, or prosecuted at any time within five years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred

No limitation to suits for condemnation and forfeiture of slaves illegally imported.

Provided always, that where any slave or slaves have been, or shall at any time have been illegally imported, nothing herein contained shall extend to prevent proceeding being commenced to obtain the condemnation or forfeiture thereof, but that the said slave or slaves so illegally imported shall and may be condemned and forfeited at any time after such illegal importation

48 to 82 [*Rep 36 & 37 Vict, c 88, s 30*]

[1] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)

and to all the pains, penalties, forfeitures, and punishments contained in this Act, for any breach or disobedience thereof, or of any order or orders of his Majesty in council made under the authority thereof

Power for privy council to order vessels coming from America or the West Indies, when the yellow fever, etc., prevails there, to anchor at certain places, but without being liable to quarantine.

3. * * * *[1] it shall and may be lawful for his Majesty, [2]* * * * by his * * *[3] order in council, or for the lords or others of his * * *[3] privy council, or any two or more of them, by their order, from time to time, as often as they may see reason to apprehend that the yellow fever or other highly infectious distemper prevails on the continent of America, or in the West Indies, to require that every vessel coming from or having touched at any port or place on the continent of America or in the West Indies shall come to an anchor at certain places to be appointed from time to time by the commissioners of his Majesty's customs (who are hereby authorized to make such appointment), for the purpose of having the state of health of the crew of such vessel ascertained before such vessel shall be permitted to enter the port whereto she shall be bound, or any other port of the United Kingdom, but [1]* * such vessel shall not be deemed liable to quarantine unless it shall be afterwards specially ordered under that restraint

Power to lord lieutenant of Ireland, where the urgency of the case requires, to give directions by proclamation, where vessels shall perform quarantine, etc

4 Provided always * * * *[1] that it shall and may be lawful for the lord lieutenant, *or other chief governor or governors of Ireland*,[1] by his *or their*[1] order or orders, made by the advice and consent of his Majesty's privy council in Ireland, and notified by proclamation, to give directions, where the urgency of the case shall require, as to the place or places, and as to the time and manner in which ships and vessels arriving, and persons, goods, and merchandizes coming or imported into any port or place in Ireland, shall make their quarantine, in pursuance of the provisions of this Act,

and that until such ships, vessels, persons, goods, and merchandizes shall have respectively performed and been discharged from such quarantine, pursuant to the provisions of this Act, it shall and may be lawful for any such persons, goods, or merchandizes, or any of them, to come or be brought on shore, or to go or be put on board any other ship or vessel in any place in Ireland, in such cases, and by such licence, as shall or may be directed or permitted by any order or orders to be made by the lord lieutenant, *or other chief governor or governors of Ireland*,[1] by the advice and consent of the privy council there, and notified as aforesaid,

and that all such ships and vessels, and the persons or goods coming or imported in or going and being put on board such ships or vessels,

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[1] Enacting words and the word "that" before "such vessel" were repealed by 51 & 52 Vict, c 57 (S L R) The words in italics were repealed (U K.) by 53 & 54 Vict, c 33 (S L R)

[2] The words "his heirs and successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

[3] The words "or their" occurring twice were repealed (U K) by 53 & 54 Vict, c, 33 (S L R)

and all ships, vessels, boats, and persons receiving any goods or persons out of the same, and all persons going on board any such ship or vessels, shall be subject to such orders, rules, and directions, concerning quarantine and the preventing infection, as shall be made from time to time by the lord lieutenant *or other chief governor or governors of Ireland*[1] in council, and shall be notified by proclamation as aforesaid, in pursuance of the provisions contained in this Act;

and that the publication in the Dublin Gazette of any order or orders of the lord lieutenant *or other chief governor or governors*[1] and council, made in pursuance of this Act, shall be deemed and taken to be sufficient notice, to all persons concerned, of all matters contained in any such order or orders respectively

5 And whereas certain sorts of goods and merchandize are more especially liable to retain infection, and may be brought from places infected into other countries, and from thence imported into the United Kingdom, or the islands aforesaid

Goods specified in any order of council and the vessels bringing the same shall be subject to quarantine, as also all vessels arriving from any port under suspicious circumstances as to infection.

Be it enacted, that all such goods and merchandize as shall be particularly specified for that purpose in any order or orders made by his Majesty, * * * *[2] in council, concerning quarantine and the prevention of infection as aforesaid, which shall be brought or imported into any port or place in the United Kingdom, or the islands aforesaid, from any foreign country or place, in any vessel whatever, and the vessels in which the same shall be brought, and also all vessels which shall arrive from any port or place whatever, under any alarming or suspicious circumstances as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such order or orders of his Majesty, [2]* * * * in council as aforesaid, respecting the same

The privy council may make such order as they shall think necessary upon emergencies,

6 * * * *[3] it shall and may be lawful for the lords and others of his Majesty's privy council, or any two or more of them, to make such order as they shall see necessary and expedient upon any unforeseen emergency, or in any particular case or cases, with respect to any vessel arriving and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such vessels shall not have come from any place from which his Majesty, [2]* * * * by and with the advice of his privy council, may have adjudged and declared it probable that the plague or any such infectious disease or distemper may be brought, and also with respect to the persons, goods, wares, and merchandize, and other articles as aforesaid on board the same,

[1] The words in italics were repealed (U K) by 53 & 54 Vict , c 33 (S L R)
[2] The words " his heirs or successors " were repealed (U K) by 53 & 54 Vict , c 33 (S L R)
[3] Enacting words repealed, 51 & 52 Vict , c 57 (S L R)

and in case of any infectious disease or distemper appearing or breaking out in the United Kingdom, or the islands aforesaid, to make such orders and give such direction, in order to cut off all communication between any persons infected with any such disease or distemper and the rest of his Majesty's subjects, as shall appear to the said lords or others of his Majesty's privy council, or any two or more of them, to be necessary and expedient for that purpose,

also orders for shortening the time of quarantine or for discharge therefrom.

and likewise to make such orders as they shall see fit for shortening the time of quarantine to be performed by particular vessels or particular persons, goods, wares, merchandize, or any other articles, or for absolutely or conditionally releasing them or any of them from quarantine,

and all such orders so made by the lords or others of the privy council or any two or more of them as aforesaid, shall be as good, valid, and effectual, to all intents and purposes, as well with respect to the commander, master, or other person having the charge of any vessel, and all other persons on board the same, as with respect to any other persons having any intercourse or communication with them, and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any order or orders made by his Majesty, [1] * * * * by and with the advice of his [2]* * privy council concerning quarantine, notified by proclamation or published in the London Gazette

[Direc]tions [to] vessels in [s]uch infection shall appear within or without the Straights of Gibraltar.

7 * * * *[3] if the plague, or such other infectious disease or distemper as aforesaid, shall appear on board any vessel, within or without the Straights of Gibraltar, then the commander, master, or other person having the charge or command thereof shall immediately proceed to such place as his Majesty, [1]* * * * by and with the advice of his [2]* * privy council, shall from time to time direct and appoint, where being arrived, he shall make known his case to some officer of the customs there who shall with all possible speed send intelligence thereof to the commissioners of the customs in the port of London, to the end that such precautions may be used to prevent the spreading of the infection, as the case shall require;

and the said vessel shall there remain until directions shall be given thereto by the lords or others of his Majesty's privy council, or any two or more of them, nor shall any of the crew or passengers on board thereof go on shore;

and such master and every other person on board such vessel shall obey such directions as he shall receive from the lords and others of his Majesty's privy council, or any two or more of them as aforesaid,

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[1] The words "his heirs or successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

[2] The words "or their" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

[3] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

Penalty for disobeying regulations, 100*l*

and the said commander, master, or any other person on board such vessel as aforesaid, who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such vessel from the lords or others of the privy council, or any two or more of them as aforesaid, shall forfeit the sum of one hundred pounds

Masters of vessels liable to quarantine to make signals on meeting other vessels at sea, or while within two leagues of the United Kingdom or Guernsey, etc, on penalty of 100*l*

8 * * * *[1] every commander, master, or other person, having the charge of any vessel liable to the performance of quarantine, shall be and is hereby required, at all times when such vessel shall meet with any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel is liable to the performance of quarantine, which signal shall[2], in the day-time, if the said vessel shall have a clean bill of health, a large yellow flag, of six breadths of bunting, at the main top mast-head, and if such vessel shall not have a clean bill of health, then a like yellow flag, with a circular mark or ball, entirely black, in the middle thereof, whose diameter shall be equal to two breadths of bunting,

and in the night-time the signal shall in both cases be a large signal lanthorn, with a light therein (such as is commonly used on board his Majesty's ships of war), at the same mast-head,

and such commander, master, or other person shall keep such signals respectively, as the case shall be, hoisted during such time as the said vessel shall continue within sight of such other vessel, or within two leagues of the said coasts or islands, and while so in sight, or within such distance, until such vessel so liable to quarantine as aforesaid shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof,

on failure whereof such commander, master, or other person, having charge of such ship or vessel so liable to the performance of quarantine

of yellow and black, borne quarterly, of eight breadths of bunting, at the maintop mast-head,

and in the night-time, the signal shall be two large signal lanthorns, such as are commonly used on board of his Majesty's ships of war, one over the other, at the same mast-head,

and such commander, master, or other person shall keep such signal hoisted during such time as the said vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof shall continue within sight of such other vessel, or within two leagues of the coasts or islands aforesaid, while so in sight or within such distance, until such vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof,

on failure thereof such commander, master, or other person having charge of such vessel shall forfeit and pay for every such offence the sum of one hundred pounds

Penalty on persons hoisting signals when not liable, 50*l*

10. * * * *[1] if any commander, master, or other person, having the charge or command of any vessel, and knowing that the same is not liable to the performance of quarantine, shall hoist such signal as aforesaid, or either of them, by day or night respectively, such commander or other person as aforesaid shall forfeit and pay the sum of fifty pounds

[Mas]ters of [ves]sels, on their arrival from foreign parts, to give to the pilots an account of the places at which they shall have loaded and touched.

11 * * * *[2] every commander, master, or other person, having the charge of any vessel coming from foreign parts, shall give to the pilot who shall go on board such vessel a written paper, containing a true account of the names of the place and country at which such vessel shall have loaded, and also of all the places at which any such vessel shall have touched, on the homeward voyage, on pain of forfeiting the sum of one hundred pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein,

Pilots to give notice of proclamation or order in council requiring performance of quarantine

and if by any proclamation or order of his Majesty in council, made after the departure of any vessel from the United Kingdom and the said islands, and then in force, vessels coming from any place mentioned in any such paper shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the commander, or other person aforesaid, of such vessel on pain of forfeiting the sum of one hundred pounds for any neglect therein,

Master thereupon to hoist the proper signal

and such commander or other person shall thereupon hoist a proper signal, according to the provisions of this Act, and under the penalties in this Act contained for any neglect or refusal in respect of hoisting such signals

[1] Enacting words repealed, 51 & 52 Vict , c 57 (S L R)
[2] Enacting words and words indicating commencement of section as regards vessels coming from different places were repealed by 51 & 52 Vict , c 57 (S L R)

12. * * * *[1] every commander, master, or other person, having the charge of any vessel coming from foreign parts which shall not be liable to quarantine in respect of the place from whence such vessel comes, shall give to the pilot who shall go on board of such vessel a written paper, containing a true account of the different articles composing the cargo of such vessel, on pain of forfeiting the sum of fifty pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein,

Master to give notice of articles on board, on penalty of 50*l*, and pilot to give notice if any of them are liable to quarantine, on penalty of 100*l*

and if by any proclamation or order of his Majesty in council then in force vessels having on board any of the articles mentioned in such paper shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the commander or other person having the charge of such vessel, on pain of forfeiting one hundred pounds for any neglect therein, and such commander or other person shall thereupon hoist a signal, according to the provisions and under the respective penalties in this Act contained for any neglect or refusal in respect of hoisting such signals,

Master thereupon to hoist the proper signal

and in case any pilot shall bring or cause to be brought or conducted any vessel liable to the performance of quarantine into any place which is not or shall not be specially appointed for the reception of vessels so liable after receiving such paper as aforesaid, whereby it shall have been made it appear that such vessel was liable to the performance of quarantine, or without requiring and receiving such paper as aforesaid, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, such pilot shall for every such offence forfeit and pay the sum of two hundred pounds

Penalty on pilots conducting vessels liable to quarantine to any other place than that appointed for their reception after receiving notice, or not requiring notice, 200*l*

13. * * * *[1] if any pilot being on board, or any commander, master, or other person having the charge, of any vessel coming from foreign parts, whether such vessel shall be liable to quarantine or not, shall be required by any officer of the customs, authorized to act in the service of quarantine, to bring to such vessel, to the end that the commander, master, or other person having the charge thereof may be interrogated, according to the provisions of this Act, and shall neglect or refuse to bring to such vessel, as soon as it can be done with safety, in obedience to such requisition, every such pilot, commander, master, or other person having the charge of any such vessel shall for every such offence forfeit and pay the sum of one hundred pounds

Pilot, etc, to bring to at request of officer of customs, on penalty of 100*l*

14 [*Recital Rep (U K) 53 & 54 Vict, c 51 (S L R)*] When any country or place shall be known or suspected to be infected with the plague or other infectious disease or distemper as aforesaid, or when any order or orders shall be made by his Majesty in council concerning quarantine and the prevention of infection as aforesaid,

Power to superintendents of ports, or officers of customs, to inquire whether

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[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

vessels entering any port be actually infected or liable to order touching quarantine

then and in such case, as often as any vessel shall attempt to enter into any port or place in the United Kingdom, or of the isles of Guernsey, Jersey, Alderney, Sark, or Man, whether such port shall have been appointed for the performance of quarantine or not, the superintendent or assistant at such port or place, or if not, the principal officer of his Majesty's customs at such port or place, or such officer of the customs as shall be authorized to act in that behalf, shall go off to such vessel, and shall, at a convenient distance from such vessel, demand of the commander, master, or other person having charge of such vessel, and such commander, master, or other person shall, upon such demand, give a true answer in writing or otherwise, and upon oath or not upon oath, according as he shall by such superintendent or his assistant, or other officer of the customs authorized as aforesaid, be required, to all such questions or interrogatories as shall be put to him by virtue and in pursuance of such regulations and directions as his Majesty by order in council shall be pleased to prescribe,

Masters of vessels refusing to answer interrogatories, etc, to forfeit 200*l*.

and in case such commander or master or other person having charge of such vessel shall, upon such demand made as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or, in case he shall not be required to answer such questions or interrogatories upon oath, shall give a false answer to any such question or interrogatory as aforesaid, such commander, master, or other person having charge of such vessel for every such offence shall forfeit and pay the sum of two hundred pounds

Vessels subject to quarantine arriving at any other port than that at which it ought to be performed, may be forced to repair to the appointed place

15. * * * *[1] in case it shall appear, upon such examination or otherwise, that such vessel is under such circumstances as shall render it liable to perform quarantine, and that the port or place where it so arrived, or at which it attempts to enter as aforesaid, is not the port or place where it ought to perform quarantine, in which case it shall and may be lawful to and for the officers of any of his Majesty's ships of war, or of any of his Majesty's forts or garrisons, and all other his Majesty's officers, upon notice thereof given to them or any of them respectively, and to and for any other person or persons whom they shall call to their aid and assistance, and such officers and other persons are hereby required, to oblige such vessel to go and repair to such place as hath been or shall be appointed for performance of quarantine, and to use all necessary means for that purpose, either by firing of guns upon such vessel, or by any other kind of necessary force whatsoever,

Masters of vessels that have touched at infected places, etc,

and in case any such vessel shall come from or shall have touched at any place infected by the plague or such other infectious disease or distemper as aforesaid, or shall have any person on board actually infected with the plague or other such infectious disease or distemper as

[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

aforesaid and the commander, master, or other person having charge of such vessel knowing that the place from whence he came or at which he had touched as aforesaid was infected with the plague or such other infectious disease or distemper, or knowing some person on board to be actually infected with the plague or such other infectious disease or distemper as aforesaid, shall refuse or omit to disclose the same upon such examination as aforesaid, or shall wilfully omit to hoist the signal herein-before directed, to denote that his vessel is liable to the performance of quarantine, at the times and on the occasions herein directed with respect to the same, such commander, master, or other person having charge of such vessel shall forfeit the sum of three hundred pounds

omitting to disclose same or omitting to hoist the prescribed signal, to forfeit 300l.

16. * * * *[1] every commander, master, or other person having charge of any vessel which shall be ordered to perform quarantine as aforesaid, shall forthwith, after his arrival at the place appointed

they are discharged from quarantine, may be forced to return, and shall be liable to imprisonment for six months, and to forfeit 300*l*

in any port or place in the United Kingdom, or the islands aforesaid, or by going on board any other vessel or boat, with intent to go on shore as aforesaid before such vessel so liable to quarantine as aforesaid shall be regularly discharged from the performance thereof, it shall and may be lawful for any person whatsoever, by any kind of necessary force, to compel such pilot or other person so quitting such vessel so liable to quarantine to return on board the same,

and every such pilot or other person so quitting such vessel so liable to quarantine shall for every such offence suffer imprisonment for the space of six months, and shall forfeit and pay the sum of three hundred pounds

18 And whereas disobedience or refractory behaviour in persons under quarantine or liable to the performance of quarantine, or in other persons who may have had any intercourse or communication with them, may be attended with very great danger to his Majesty's subjects

Persons under or liable to quarantine, or persons having intercourse with them, shall be subject to the orders of the superintendent of quarantine or the principal officer of customs, and may be compelled to obey their orders

Be it further enacted, that all persons liable to perform quarantine, and all persons having had any intercourse or communication with them, whether in vessels or in a lazaret or elsewhere, shall be subject, during the said quarantine, or during the time they shall be liable to quarantine, to such orders as they shall receive from the superintendent of quarantine, or his assistant, or from the principal officer of the customs at any port or place where there is no such superintendent or assistant, or from any other officer of the customs authorized to act in that behalf,

and the said officers are hereby empowered and required to enforce all necessary obedience to the said orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required to assist accordingly,

and such officers shall and they are hereby empowered and required to compel all persons liable to perform quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such lazaret, vessel, or place, and to cause all goods, wares, and merchandize, and other articles, comprized within any such orders to be made as last aforesaid, to be conveyed to such lazaret, vessel, or place, duly appointed in that behalf, in such manner and according to such directions as shall be made by order of his Majesty in council as aforesaid, or of the lords or others of the privy council or of any two or more of them,

and if any person or persons liable to perform quarantine as aforesaid or any person or persons having had any intercourse or communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such officers as aforesaid, to the said lazaret, vessel, or place duly appointed in that behalf, or having been placed in the said lazaret, vessel, or place, shall escape or attempt to escape out of the same before quarantine duly performed, it shall and may be lawful to and for the said quarantine officers, and also

the watchmen and other persons appointed to see quarantine performed, and each of them, and they are hereby respectively required, by such necessary force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every such person so escaping or attempting to escape as aforesaid, to repair or return to such lazaret, vessel, or place so appointed as aforesaid,

Persons refusing to repair to the lazaret or vessels, or escaping, to forfeit 200*l*

and every person so refusing or neglecting to repair forthwith as aforesaid to the said lazaret, vessel, or place, and also every person actually escaping as aforesaid, shall forfeit the penalty of two hundred pounds

Persons quitting vessels liable to perform quarantine, etc, may be arrested, and may by order of a justice be conveyed to the vessel, etc, or kept in custody till properly disposed of

19. * * * *[1] it shall be lawful for any constable, headborough, tithingman, or other peace officer or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any vessel liable to perform quarantine, or who shall have escaped from or quitted any vessel under quarantine or from any lazaret vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace or magistrate,

and it shall be lawful for any such justice of the peace or magistrate to grant his warrant for the apprehending and conveying of any such person to the vessel from which he or she shall have come on shore, or to any vessel performing quarantine, or lazaret, from which he or she shall have escaped, or for the confining of any such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having any communication with any other persons, as may in the discretion of any justice of the peace or magistrate (calling to his aid, if he shall see fit, any medical person) appear to be proper, until such person can be safely and securely conveyed to some place appointed for the performance of quarantine, or until directions can be obtained from the privy council as to the disposal of any such person, and to make any further order or grant any further warrant that may be necessary in that behalf

20 And whereas it may be necessary for the public security to prevent all communication whatever with vessels performing quarantine

Intercourse with stations allotted for quarantine of vessels may be prohibited by order in council

Be it therefore further enacted, that it shall and may be lawful to and for his Majesty, [2]* * * * by his [3]* * order or orders in council, notified by proclamation or published in the London Gazette, to prohibit all persons, vessels, and boats, whatsoever from going, under any pretence whatsoever, within the limits of any station which by any order or orders in council as aforesaid has been or may be assigned for the performance of quarantine,

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[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

[2], [3] The words "his heirs or successors" and "or their" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

and if any person whatsoever, after such notification or publication of any such order or orders in council, shall presume, under any pretence whatsoever, to go with any vessel or boat within the limits of any such station, he or she shall for every such offence forfeit and pay the sum of two hundred pounds

Penalty on persons embezzling goods performing quarantine, neglecting or deserting their duty, or permitting persons, vessels, etc, to depart without authority, or giving false certificates or damaging goods.

21. * * * *[1] if any officer of his Majesty's customs, or any other officer or person whatsoever, to whom it doth or shall appertain to execute any order or orders made or to be made concerning quarantine, or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any goods or articles performing quarantine, or be guilty of any other breach or neglect of his duty in respect of the vessels, persons, goods, or articles performing quarantine, every such officer or person so offending shall forfeit such office or employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same, or to take a new grant thereof,

and every such officer and person shall forfeit and pay the sum of two hundred pounds,

and if any such officer or person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any person, vessel, goods, or merchandize to depart or be conveyed out of the said lazaret, vessel, or other place as aforesaid, unless by permission under an order of his Majesty, by and with the advice of his privy council or under an order of two or more of the lords or others of his privy council,

or if any person hereby authorized and directed to give a certificate of a vessel having duly performed quarantine or airing shall knowingly give a false certificate thereof,

every such person so offending shall be guilty of felony,

and if any such officer or person shall knowingly or wilfully damage any goods performing quarantine under his direction, he shall be liable to pay one hundred pounds damages and full costs of suit to the owner of the same

Vessels from the Mediterranean, Turkey, or Africa, having undergone examination and been released from quarantine, to be admitted to entry upon

22. * * * *[1] if any vessel arriving from the Mediterranean, or from any port in Turkey or Africa, shall have undergone examination by the proper officer of quarantine, and upon a report of such examination being made to the lords or others of his Majesty's privy council, their lordships shall think proper to direct the release of such vessel from the performance of quarantine, it shall be lawful for such officer, and he is hereby required, to grant to the master or person having the charge or command of such vessel, a certificate in writing of such examination and release, and upon the production of such certi-

[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

ficate to the collector or principal officer of his Majesty's customs, at any port in the United Kingdom, such vessel shall be admitted to entry without being liable to any further restraint

producing a certificate thereof.

23 * * * *[1] after quarantine shall have been duly performed by any vessel, person or persons obliged to perform quarantine as aforesaid, according to this Act, and to such order or orders made as aforesaid, and upon proof to be made by the oaths of the master or other person having charge of such vessel, and of three or more of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible witnesses before the collector or principal officer of the customs at the port where such quarantine shall be performed, or at the port nearest thereto, or before the superintendent of quarantine, or his assistant at the quarantine station, or before any justice of the peace living near to the port or place, or when such quarantine shall have been performed within any of the said isles of Guernsey, Jersey, Alderney, Sark, or Man, before any two jurats or magistrates of any of the said isles respectively, that such vessel, and all and every such person and persons respectively, have duly performed quarantine as aforesaid, and that the vessel and all and every person and persons are free from infection, and after producing a certificate to that purpose, signed by the chief officer who superintended the quarantine of the said vessel, or person acting for him,

After proof of performance of quarantine, and proper certificate to that effect, vessels or persons shall not be liable to further detention.

then and in the said respective cases such collector or principal officer of the customs, or the superintendent of quarantine, or his assistant, or such justice of the peace, or such jurats or magistrates as aforesaid, respectively, are hereby required to give a certificate thereof, and thereupon such vessel, and all and every such person or persons so having performed quarantine, shall be liable to no further restraint or detention upon the same account, for which such vessel, person or persons shall have performed quarantine as aforesaid

24. * * * *[1] all goods, wares, and merchandize, and other articles liable to quarantine as aforesaid, shall be opened and aired in such place or places, and for such time, and in such manner, as shall be directed by his Majesty, [2]* * * * by such order or orders to be made as aforesaid, and after such orders shall have been duly complied with, proof thereof shall be made by the oaths of the master of the lazaret or vessel in which the goods, wares, and merchandize, and all other articles shall have been opened and aired, and of one of the guardians, or if there be no guardians, then one of the officers authorized by the commissioners of customs to act in the service of quarantine in such lazaret or vessel, or if there be no such officer, then by the oaths of two or more credible witnesses serving in the said lazaret or vessel, before

Goods liable to perform quarantine shall be opened and aired as directed by order in council, and proof thereof made,

[1] Enacting words repealed 51 & 52 Vict, c 57 (S L R)
[2] The words "his heirs and successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

the superintendent of quarantine or his assistant, in case such opening and airing shall be had at a port or place where such superintendent or assistant shall be established, or otherwise before the principal officer of the customs authorized to act in the service of quarantine at such port or place, which oath such superintendent, assistant, or principal officer is hereby authorized to administer,

and a certificate granted, etc

and such superintendent, assistant, or principal officer, as the case may be, shall grant a certificate of such proof having been made, and upon production of such certificate to the proper officer of the customs, such goods, wares, and merchandizes, and other articles shall be liable to no further restraint or detention, either at the port or place where such quarantine shall have been performed, or at any other place whereto they be afterwards conveyed

Persons forging or uttering false certificates required by order in council, guilty of felony

25 * * * *[1] if any person shall knowingly or wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered, any certificate directed or required to be granted by any order of his Majesty, [2]* * * * in council, now in force or hereafter to be made touching quarantine, or shall publish any such forged or counterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false, he or she shall be guilty of felony

Penalty on persons landing goods, etc, from vessels liable to perform quarantine, or receiving them, 500*l*, or persons secreting them for conveyance from vessels performing quarantine, 100*l*

26 * * * *[1] if any person shall land or unship, or shall move in order to the landing or unshipping thereof, any goods, wares, or merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles, from on board any vessel liable to perform quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay the sum of five hundred pounds,

and if any person or persons shall clandestinely convey, or secrete or conceal for the purpose of conveying, any letters, goods, wares, or merchandize, or other articles as aforesaid, from any vessel actually performing quarantine, or from the lazaret or other place where such goods, wares, merchandize, or other articles as aforesaid shall be performing quarantine, every such person so offending as last aforesaid shall forfeit the sum of one hundred pounds

His Majesty in certain cases may, by proclamation, prohibit

27. * * * *[1] in case it shall at any time happen that any part of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, or Portugal, or the low countries,

[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)
[2] The words "his heirs or sucessors" were repealed (U K), by 53 & 54 Vict, c 33 (S L R)

swearing falsely or procuring others so to do shall be deemed guilty of perjury, etc

be authorized and required to take such examinations and answers shall and may be deemed to have full power and authority to administer such oaths,

and if any person who shall be interrogated or examined shall wilfully sewar falsely to any matter concerning which such person shall depose or make oath on such examination, or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely, or procuring any other person so to do, shall be deemed to have been guilty of and shall be liable to be prosecuted for perjury or subornation of perjury, as the case may be, and shall suffer the pains, penalties, and punishments of the law in such case respectively made and provided

Superintendents at ports to be appointed by commissioners of customs Principal officer of customs may act in absence, etc, of superintendent.

30. * * * *[1] all superintendents of quarantine at the several ports, and their assistants, shall and may be appointed by any instrument signed by the commissioners of customs for the time being, and everything required to be done and performed by the superintendent of quarantine, or his assistant, may, in case of the absence or sickness of such superintendent or assistant, be done and performed by such principal officer of the customs as shall be authorized to act in that behalf

Publication in the London Gazette of orders in council, etc, sufficient notice.

31 * * * *[1] the publication in the London Gazette of any order in council, or of any order by any two or more of the lords or others of his Majesty's privy council, made in pursuance of this Act, or his Majesty's royal proclamation made in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all mat ers therein respectively contained

Recovery and application of penalties

32 * * * *[1] all forfeitures and penalties that shall be incurred by reason of any offence committed against this Act shall and may be recovered by suit in any of his Majesty's courts of record in England or Ireland, [2]* * * * *, or in Scotland, by summary action in the Court of Session, or by prosecution before the Court of Justiciary there, or by suit in any of his Majesty's courts in the islands of Guernsey, Jersey, Alderney, Sark, or Man,

and every such forfeiture and penalty shall belong and be given, two-thirds to the person who shall inform and sue for the same, and the remainder to his Majesty, [3]* * * *

In whose name actions for penalties

33. Provided always * * * *[1] that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or

[1] Enacting words repealed 51 & 52 Vict, c 57 (S L R)
[2] The words "in which no essoign or wager of law or more than one imparlance shall be granted" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)
[3] The words "his heirs and successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

Justices, who may fine or imprison

and if any person shall be convicted of any such offence or disobedience, he or she shall be liable to such forfeiture and penalty, not exceeding the sum of five hundred pounds for any offence, or to such imprisonment, not exceeding twelve months for any one offence, as shall in the discretion of the three justices who shall have heard and determined the same be judged proper,

Application of penalties.

and such forfeiture and penalty shall be paid, two-thirds to the person suing for the same, and the remainder to his Majesty, to be applied as the proceeds of other forfeitures and penalties are hereinbefore directed to be applied

In prosecutions, etc, answers of persons having the charge of vessels shall be received as evidence so far as relates from which vessels came or at which they touched, and they having been directed to perform quarantine shall be received as evidence that vessels were liable, unless in either case proof be made to the contrary, and a vessel's being put under quarantine shall be proof of such vessel being liable to perform it

36 * * * *[1] in any prosecution, suit, or other proceedings against any person or persons whatsoever, for any offence against this Act, or any Act which may hereafter be passed concerning quarantine, or for any breach or disobedience of any order or orders which shall be made by his Majesty, [2]* * * *, with the advice of his privy council, concerning quarantine and the prevention of infection, and notified or published as aforesaid, or of any order or orders made by two or more of the lords or others of the privy council as aforesaid, the answer or answers of the commander, master, or other person, having charge of any vessel, to any question or interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning quarantine, or of any such order or orders as aforesaid, may and shall be given and received as evidence, so far as the same relates or relate to the place from which such vessel shall come, or to the place or places at which such vessel touched in the course of the voyage,

and where any vessel shall have been directed to perform quarantine by the superintendent of quarantine or his assistant, or, where there is no such superintendent or assistant, by the principal officer of the customs at any port or place, or other officer of the customs authorized to act in that behalf they having been so directed to perform quarantine may and shall be given and received as evidence that such vessel was liable to quarantine, unless satisfactory proof shall be produced by the defendant in any such prosecution, suit, or other proceeding, to show that the vessel did not come from or touch at any such place or places as is or are stated in the said answer or answers, or that such vessel, although directed to perform quarantine, was not liable to the performance thereof, and where any such vessel shall have in fact been put under quarantine at any port or place by the superintendent of quarantine or his assistant, or other officer of the customs authorized as aforesaid to act in that behalf, and shall actually be performing the

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[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

[2] The words "his heirs or successors" were repealed (U K) by 53 & 54 Vict, c 33 (S L R)

same, such vessel shall in any prosecution, suit, or other proceeding, against any person or persons whatever, for any offence against this Act or any other Act which may hereafter be passed concerning quarantine and the prevention of infection, or any order or orders which shall be made by his Majesty in council, or any two or more of the lords or others of his privy council as aforesaid, be deemed and taken to be liable to quarantine, without proving in what manner or from what circumstance such vessel became liable to the performance thereof

37. [*Rep as to U K 56 & 57 Vict, c 61 Omitted as being inapplicable to India*]

THE INDIAN SALARIES AND PENSIONS ACT, 1825

(6 Geo. 4, c. 85)

An Act for further regulating the Payment of the Salaries and Pensions to the Judges of His Majesty's Courts in India and the Bishop of Calcutta [1]* * *

[*5th July, 1825*]

[*Preamble recites establishment of supreme courts of judicature at Fort William in Bengal under 13 Geo 3, c 63, at Madras under 39 & 40 Geo 3, c 79, and at Bombay under 37 Geo 3, c 142*]

[*Whole Act, except ss 4, 5, 15, rep 53 & 54 Vict, c 33 (S L R), s 6 rep also as to B I by XIV of 1870, s 1 and sch*]

4 * * * *[2] when and as often as it shall happen that in consequence of the vacancy of the office of chief justice in any of the said supreme courts of judicature at Fort William in Bengal, or at Madras or Bombay, respectively, one of the puisne judges of the said courts respectively shall preside for and exercise the office of such chief justice, such puisne judge so acting as chief justice during a vacancy,

Judge executing the office of chief justice at Fort William, Madras, or Bombay to be entitled to salary of chief justice

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[1] Rest of the title was repealed by 51 & 52 Vict, c 57 (S L R), and by 53 and 54 Vict, c 33 (S L R)

[2] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

and until the arrival of the person appointed to succeed to the office of chief justice, shall be entitled to receive, in lieu of his proportion of salary as a puisne judge of such court, such a proportion of salary (and no more) as would have become due to such chief justice during the period while the vacancy shall be supplied by such puisne judge as aforesaid, * * * * * * *[1]

Provision for payment of one year's salary to representatives of any judge or bishop etc, who shall die either during his voyage, or within six months after his arrival, etc;

5 * * * * * * *[2] when and as often as it shall hereafter happen, that any chief justice or puisne judge of any of the said supreme courts of judicature at Fort William in Bengal, Madras, or Bombay, * * *[3] or any bishop of Calcutta, [4]* * * * shall hereafter depart this life, either during the voyage to India or within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such chief justice or puisne judge, * * *[3] or bishop the court of directors of the said united company shall and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such chief justice or puisne judge, * *[3] or bishop, so dying shall be payable to the legal personal representatives of such chief justice or puisne judge, * *[3] or bishop so dying as aforesaid, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such chief justice or puisne judge, * *[3] or bishop, in respect of his salary, make up the full amount of one year's salary of the office to which

due to such chief justice or puisne judge, * *[1] or bishop respectively at the time of his death, a sum equal to the amount of six calendar months' salary of the office of such chief justice or puisne judge, * *[1] or bishop respectively

* * * * * *

15 And whereas under and by virtue of an Act made and passed in the fifty-third year of the reign of his late Majesty King George the Third, and of another Act made and passed in the fourth year of the reign of his present Majesty, provision is made for granting a pension to the bishop of Calcutta, under the limitations therein contained, and it is expedient to make further provision in respect thereof — 53 Geo 3 c 155 4 Geo 4, c 71, ss 2, 3

Pension to bishop of Calcutta on resignation.

Be it further enacted, that it shall and may be lawful for his Majesty, * * *[2] in manner in the said Act of the fifty-third year of the reign of his late Majesty mentioned, to grant to any such bishop, who shall have exercised within the limits of the charter of the said united company the office of bishop of Calcutta for five years, a pension not exceeding one half of the sum which his Majesty, by the said Act of the fifty-third year of the reign of his late Majesty, is empowered to grant to any such bishop,

and also to grant to any such bishop, who shall have exercised within the limits aforesaid the said office of bishop of Calcutta for seven years, a pension not exceeding two-thirds of the sum which his Majesty, by the said Act of the fifty-third year of his late Majesty's reign, is empowered to grant to any such bishop

* * * * *

The East India Officers' Act, 1826

(7 Geo. 4, c 56.)

An Act to suspend the Provisions of an Act of His late Majesty, respecting the Appointment of Writers in the Service of the East India Company, and to authorize the Payment of the Allowances of the Civil and Military Officers of the said Company dying while absent from India

[*26th May, 1826*]

[*Whole Act, except s 3, rep 36 § 37 Vict , c 91 (S L R)*]

Representatives of

3. [*Recital of 33 Geo 3, c 52, s 37 in part Rep (U K) 53 § 54 Vict , c 51 (S L R)*] It shall and may be lawful to and for the said

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[1] Words as to Recorder of Prince of Wales' Island have been omitted *See* repeal, by 41 & 42 Vict , c 79 (S L R)

[2] The words "his heirs and successors" were repealed by 53 & 54 Vict , c. 33 (S L R)

officers dying during a temporary absence from their stations may receive the salaries to which such officers would have been entitled if they had returned to their stations

company to cause payment to be made to the representatives of officers in their service, civil or military, who having quitted or left their stations, and not having proceeded or intended to proceed to Europe, but intending to return to their stations, have died, or may hereafter happen to die, during their temporary absence, within the limits of the said company's charter, or at the Cape of Good Hope, of such salaries and allowances, or such portion of salaries or allowances, as the officers so dying would have been entitled to if they had returned to their stations

* * * * * *

THE CRIMINAL LAW (INDIA) ACT, 1828

(9 Geo. 4, c. 74)

An Act for improving the Administration of Criminal Justice in the East Indies

[*25th July, 1828*]

[*Whole Act, except portions printed, rep 53 & 54 Vict, c 33 (S L R), rep also as to B I by X of 1875, s 2 and sch*]

[*Preamble*]

From the 1st of March, 1829, this Act to take effect throughout the jurisdiction of the King's Courts in the East Indies

1 * * *[1] This Act * * * * * * * * *[2] shall extend to all persons and all places, as well on land as on the high seas, over whom or which the criminal jurisdiction of any of his Majesty's courts of justice erected or to be erected within the British territories under the government of the United Company of Merchants of England trading to the East Indies does or shall hereafter extend

* * * * * *

Accessory to felony before the fact may be tried as such as a substantive felon, by any court which has jurisdiction to try the principal felon although the offence be committed on

7. * * * *[1] If any person shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any statute or statutes made or to be made, the person so counselling, procuring, or commanding shall be deemed guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be

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[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)
[2] Words repealed by 53 & 54 Vict, c 33 (S L R), have been omitted

amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished, the seas or abroad

and the offence of the person so counselling, procuring, or commanding howsoever indicted may be inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas, or at any place on land, whether within his Majesty's dominions or without,

If the offences of principal and accessory be committed in different places, accessory may be tried in any of the King's courts in India having jurisdiction

and in case the principal felony and the offence of counselling, procuring, or commanding, shall have been committed in different places, the last-mentioned offence may be inquired of, tried, determined, and punished in any of his Majesty's courts of justice within the British territories under the government of the said United Company having jurisdiction to try either of the said offences

No person to be tried twice for the same offence

Provided always, that no person who shall be once duly tried for any such offence, whether as any accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence

Accessory after the fact may be tried by any court which has jurisdiction to try the principal felon.

8 * * * *[1] if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the offence of such person may be inquired of, tried, determined, and punished by any court which shall have jurisdiction to try the principal felon in the same manner as if the act by reason whereof such person shall have become an accessory had been committed at the same place as the principal felony, although such act may have been committed either on the high seas or at any place on land, whether within his Majesty's dominions or without,

Accessory may be prosecuted after conviction of the principal though the principal die or be pardoned, or delivered before attainder

9 * * * *[1] if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder,

and every such accessory shall suffer the same punishment if he or she be in anywise convicted as he should have suffered if the principal had been attainted

* * * * * *

Admiralty offences

25 * * * *[1] all offences prosecuted in any of his Majesty's courts of Admiralty shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offence had been committed upon the land

Rule for interpreting all criminal statutes

26 * * * *[1] wherever this or any other statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence or the subject matter thereof or the offender, or the party affected or intended to be affected by the offence, shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction,

and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved

* * * * * *

Provision for the trial of murder and manslaughter, where the cause of death only, but not the death, or where the death only, but not the cause of death, happens within the limits of the East India Company's charter

56 * * * *[1] where any person, being feloniously stricken, poisoned, or otherwise hurt at any place whatsoever, either upon the land or at sea, within the limits of the charter of the said United Company, shall die of such stroke, poisoning, or hurt at any place without those limits, or being feloniously stricken, poisoned, or otherwise hurt at any place whatsoever, either upon land or at sea, shall die of such stroke, poisoning, or hurt at any place within the limits aforesaid, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished by any of his Majesty's courts of justice within the British territories under the government of

[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

shares to be appointed,

the amount of the share or shares from which no object of the power shall be excluded

nor to give any other force to any appointment than the same would have had if a substantial share had been appointed or left to devolve as unappointed

3. Provided also * * * *[1] that nothing in this Act contained shall be construed, deemed, or taken, at law or in equity, to give any other validity, force, or effect, to any appointment, than such appointment would have had if a substantial share of the property affected by the power had been thereby appointed to or left unappointed to devolve upon any object of such power

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THE DEBTS RECOVERY ACT, 1830

(11 Geo. 4 & 1 Will. 4, c 47)

An Act for consolidating and amending the Laws for facilitating the payment of Debts out of Real Estate

[*16th July, 1830*]

. r-ts to make conveyances under order of the court of real estates directed to be sold for payment for debts

11. [2]* * * * where any suit hath been or shall be instituted in any court of equity for the payment of any debts of any person or persons deceased, to which their heir or heirs, devisee or devisees, may be subject or liable, and such court of equity shall decree the estates liable to such debts, or any of them, to be sold for satisfaction of such debt or debts, and by reason of the infancy of any such heir or heirs, devisee or devisees, an immediate conveyance thereof cannot, as the law at present stands, be compelled, in every such case such court shall direct, and, if necessary, compel such infant or infants to convey such estates so to be sold (by all proper assurances in the law) to the purchaser or purchasers thereof, and in such manner as the said court shall think proper and direct,

and every such infant shall make such conveyance accordingly,

and every such conveyance shall be as valid and effectual to all intents and purposes as if such person or persons, being an infant or infants, was or were at the time of executing the same of the full age of twenty-one years

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[1] Enacting words repealed, 51 & 52 Vict, c 57 (S L R)

[2] S 11 was extended to British India, by Act XXIV of 1841, s 4 It alone, therefore, is reproduced here Enacting words were repealed (U K.) by 51 & 52 Vict, c 57 (S L R)

The Infants' Property Act, 1830 [1]

(11 Geo 4 & 1 Will 4, c. 65.)

An Act for consolidating and amending the Laws relating to property belonging to Infants, Femes Covert, Idiots, Lunatics, and persons of unsound Mind

[23rd July, 1830]

[Preamble Rep (U K) 51 & 52 Vict , c 57 (S L R)]

1. *[Rep as to U K 36 & 37 Vict , c 91 (S L R) Omitted as being spent]*

2 And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act as describing subjects some of which, according to their usual sense, such words would not embrace

Rules for the interpretation of this Act

for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend and be understood to extend to and include the several other estates, persons, matters, and things herein-after mentioned, (that is to say,) those relating to land, to any manor, messuage, tenement, hereditament, or real property of whatsoever tenure, and to property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein, those relating to land, to any manor, messuage, tenement, hereditament, or kept by any company or society, or to any money payable for the discharge or redemption thereof, or any share or interest therein, those relating to dividends, to interest or other annual produce, those relating to the Bank of England, to the East India Company, South Sea Company, or any other company or society established or to be established, those relating to a conveyance, to any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same, those relating to a transfer, to any assignment, payment, or other disposition, and those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs, unless there be something in the subject or context repugnant to such construction,

and whenever this Act, in describing or referring to any person or any land, stock, conveyance, lease, recovery, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several lands, stock, conveyances,

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[1] So much of this Act as relates to or affects idiots, lunatics, and persons of unsound mind or their property was repealed, except so far as relates to Ireland, by 16 & Stat Law Rev Act, 1873 (36 & 37 Vi c 70, s 1, so far as relates to Ireland by s 2. Extended to British India by Act XXIV of 1841, s 2.

leases, recoveries, matters, or things, as well as one land, stock, conveyance, lease, recovery, matter, or thing, respectively, unless there be something in the subject or context repugnant to such construction

Infants, femes covert, and lunatics may be admitted to copyhold estates by their guardian, committee, or attorney

3 * * * *[1] where any person being under the age of twenty-one years, or being a feme covert or lunatic, is or shall be entitled by descent or surrender to the use of a last will, or otherwise, to be admitted tenant of any copyhold lands, such person in his or her own proper person, or being a feme covert by her attorney, or being an infant by his guardian or attorney, as the case may require, or being a lunatic by the committee of his estate, shall come to and appear at one of the three next courts, which shall be kept (for the keeping whereof the usual notice shall be given) for the manor whereof such land shall be parcel, and shall there offer himself or herself to the lord or his steward to be admitted tenant to the said land, to make which appearance and to take which admittance in behalf of such infant or lunatic, or feme covert, such guardian, committee, or attorney shall be and is hereby respectively authorized and required

Femes covert, infants, etc, may appoint attorneys for that purpose

4 * * * *[1] it shall be lawful for any feme covert, and for any infant who shall have no guardian, and she and he is hereby empowered, by writing under her or his hand and seal respectively, to appoint an attorney or attornies on her or his behalf, for the purpose of appearing and taking such admittance as aforesaid

In default of appearance, the lord may appoint an attorney

5 * * * *[1] in default of such appearance of any infant, feme covert or lunatic in his or her own person, or by his or her guardian, committee, or attorney in that behalf, and of acceptance of such admittance as aforesaid, it shall be lawful for the lord of every such manor, or his steward, after such three several courts have been duly holden for such manor, and proclamations in such several courts been regularly made, to appoint, at any subsequent court to be holden for such manor, any fit person to be attorney for every such infant, feme covert, or lunatic for that purpose only, and by such attorney to admit every such infant, feme covert, or lunatic to the said land, according to such estate as such infant, feme covert, or lunatic shall be legally entitled to therein, and upon every such admittance to impose and set such fine as might have been legally imposed and set if such infant had been of full age, or if such feme covert had been sole and unmarried, and if such lunatic had been of sane mind

Fines, in what manner demandable

6 * * * *[1] upon every such admittance of any infant, feme covert, or lunatic as aforesaid, the fine imposed and set thereupon shall and may be demanded by the bailiff or agent of the lord of such manor, by a note in writing, signed by the lord of such manor or by his steward, to be left with the guardian of such infant or such

[1] Words repealed (U K) by 51 & 52 Vict, c. 57 (S L R), have been omitted

liable to and shall make satisfaction to the person or persons so kept out of possession for all the damages that he or she shall thereby sustain, and all the costs and charges that he or she shall be put unto for the recovery thereof

Guardians, husbands, or committees, paying fines, may reimburse themselves out of the rents of the copyhold

8. * * * *[1] where any infant, feme covert, or lunatic shall be admitted to any copyhold land, if the guardian of such infant, or husband of such feme covert, or committee of such lunatic, shall pay to the lord of any manor the fine legally imposed and set upon such admittance, and the costs and charges which such lord of such manor shall have been put unto as aforesaid, then it shall be lawful for every guardian of such infant, or husband of such feme covert, or committee of such lunatic, his executors and administrators, to enter into and to hold and enjoy the said land to which such infant, feme covert, or lunatic shall have been so admitted, and receive and take the rents, issues and profits thereof to his and their own use, until thereby such guardian of such infant, or husband of such feme covert, or committee of such lunatic, his executors and administrators, shall be fully satisfied and paid all and every such sum and sums of money as he shall respectively pay and disburse upon the account aforesaid notwithstanding the death of such infants, femes covert, or lunatic shall happen before such sum or sums of money so expended shall or may be so raised and reimbursed

No forfeiture to be incurred by infant, etc, for not appearing, or refusing to pay fines

9 Provided always * * *[1] that from and after the passing of this Act no infant, feme covert, or lunatic shall forfeit any copyhold land for his or her neglect or refusal to come to any court to be kept for any manor whereof such land is parcel, and to be admitted thereto, nor for the omission, denial, or refusal of any such infant, feme covert, or lunatic to pay any fine imposed or set upon his or her admittance to any such land

Fines not warranted by custom, etc., may be controverted

10 Provided nevertheless * * * *[1] that if the fine imposed in any of the cases herein-before mentioned shall not be warranted by the custom of the manor or shall be unlawful, then such infant, feme covert, or lunatic shall be at liberty to controvert the legality of such fine, in such manner as he or she might have done if this Act had not been made

11 [*Rep as to U K 37 & 38 Vict, c 35 (S L R) Omitted as being inapplicable to India*]

Guardians of minors etc, in order to the surrender and renewal of leases, may apply to the Court of

12 * * * *[1] in all cases where any person, being under the age of twenty-one years, or a feme covert, is or shall become entitled to any lease or leases made or granted or to be made or granted for the life or lives of one or more person or persons, or for any term of years, either absolute or determinable upon the death of one or more person or persons, or otherwise, it shall be lawful for such person under the age

[1] Enacting words repealed (U K.), 51 & 52 Vict, c 57 (S L R)

of twenty-one years, or for his or her guardian or other person on his behalf, and for such feme covert, or any person on her behalf, to apply to the Court of Chancery in England, the courts of equity of the counties palatine of * *[1] Lancaster and Durham, * * *[1] respectively, as to land within their respective jurisdiction, by petition or motion in a summary way, Chancery, etc., and by order may surrender such leases, and accept renewals of the same

and by the order and direction of the said courts respectively such infant or feme covert, or his guardian, or any person appointed in the place of such infant or feme covert by the said courts respectively, shall and may be enabled from time to time, by deed or deeds, to surrender such lease or leases, and accept and take, in the place and for the benefit of such person under the age of twenty-one years, or feme covert, one or more new lease or leases of the premises comprised in such lease surrendered by virtue of this Act, for and during such number of lives, or for such term or terms of years determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in the lease or leases so surrendered at the making thereof respectively or otherwise as the said courts shall respectively direct

13 [*Rep as to U K 36 & 37 Vict, c 91 (S L R). Omitted as being inapplicable to India*]

14. * * * *[2] every sum of money and other consideration paid by any guardian, trustee, committee, or other person as a fine, premium, or income, or in the nature of a fine, premium, or income, for the renewal of any such lease, and all reasonable charges incident thereto, shall be paid out of the estate or effects of the infant or lunatic for whose benefit the lease shall be renewed, or shall be a charge upon the leasehold premises, together with interest for the same, as the said Charges attending renewal to be charged on the estates as the court shall direct

by order of Court of Chancery to grant renewals of leases

twenty-one years, or a feme covert, might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute or determinable on the death of one or more person or persons, it shall be lawful to and for such infant, or his guardian in the name of such infant or such feme covert, by the direction of the Court of Chancery, to be signified by an order to be made in a summary way upon the petition of such infant or his guardian, or of such feme covert, or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute a new lease of the premises comprised in such lease, for and during such number of lives, or for such term or terms determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned in the lease so surrendered at the making thereof, or otherwise, as the court by such order shall direct

Court of Chancery may authorize leases to be made of lands belonging to infants when it is for the benefit of the estate

17. * * * *[1] where any person, being an infant under the age of twenty-one years, is or shall be seised or possessed of or entitled to any land in fee or in tail, or to any leasehold land for an absolute interest, and it shall appear to the Court of Chancery to be for the benefit of such person that a lease or under-lease should be made of such estates for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or the working of mines, or otherwise improving the same, or for farming or other purposes, it shall be lawful for such infant, or his guardian in the name of such infant, by the direction of the Court of Chancery, to be signified by an order to be made in a summary way upon the petition of such infant or his guardian, to make such lease of the land of such persons respectively, or any part thereof, according to his or her interest therein respectively, and to the nature of the tenure of such estates respectively, for such term or terms of years and subject to such rents and covenants, as the said Court of Chancery shall direct,

but in no such case shall any fine or premium be taken, and in every such case the best rent that can be obtained, regard being had to the nature of the lease, shall be reserved upon such lease,

and the leases, and covenants and provisions therein, shall be settled and approved of by a master of the said court, and a counterpart of every such lease shall be executed by the lessee or lessees therein to be named, and such counterparts shall be deposited for safe custody in the master's office until such infant shall attain twenty-one, but with liberty to proper parties to have the use thereof, if required, in the meantime, for the purpose of enforcing any of the covenants therein contained

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[1] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)

if such renewal shall be made in the name of any person out of jurisdiction or not amenable as aforesaid, to such person or in such manner, or into the Court of Chancery to such account, and to be applied and disposed of as the said court shall direct, * * * *[1]

22 [*Rep as to U K 37 & 38 Vict , c 35 (S L R) Omitted as being inapplicable to India*]

23 to 25. [*Rep as to U K 36 & 37 Vict , c 91 (S L R) Omitted as being spent or inapplicable to India*]

Agreements under recited Act may be made by guardians of infants with the approbation of the court on petition

26 * * * *[2], the guardian of any infant, with the approbation of the Court of Chancery, to be signified by an order to be made on the petition of such guardian in a summary way, may enter into any agreement for or on behalf of such infant which such guardian might have entered into by virtue of the said last-recited Act, if the same had not been repealed, * * * *[1]

27 to 30 [*Rep as to U K 36 & 37 Vict , c 91 (S L R) Omitted as being inapplicable to India*]

Surrenders, leases, etc , made under this Act deemed valid

31 * * * *[2] every surrender and lease, agreement, conveyance, mortgage, or other disposition respectively, granted and accepted, executed and made, by virtue of this Act, shall be and be deemed as valid and legal to all intents and purposes as if the person by whom, or in whose place, or on whose behalf the same respectively shall be granted or accepted, executed and made, had been of full age, unmarried, or of sane mind, and had granted, accepted, made, and executed the same,

and every such surrender and lease respectively made and accepted by or on behalf of a feme covert shall be valid, without any fine being levied by her

Court of Chancery may, on petition, order dividends of stock belonging to infants to be applied for their maintenance

32 * * * *[2] it shall be lawful for the Court of Chancery, by an order to be made on the petition of the guardian of any infant in whose name any stock shall be standing, or any sum of money, by virtue of any Act or paying off any stock, and who shall be beneficially entitled thereto, or if there shall be no guardian, by an order to be made in any cause depending in the said court, to direct all or any part of the dividends due or to become due in respect of such stocks, or any such sum of money, to be paid to any guardian of such infant, or to any other person, according to the discretion of such court, for the maintenance and education or otherwise for the benefit of such infant, such guardian or other person to whom such payment shall be directed to be made being named in the order directing such payment;

and the receipt of such guardian or other person for such dividends or sum of money, or any part thereof, shall be as effectual as if such

[1] Rest of the section was repealed (U K) by 36 & 37 Vict , c. 91 (S L R)
[2] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R),

infant had attained the age of twenty-one years and had signed and given the same

33 and 34. [*Rep as to U K 36 & 37 Vict, c 91 (S L R) Omitted as being inapplicable to India*]

Costs may be directed to be paid

35. * * * *[1] the Court of Chancery, or lord chancellor intrusted as aforesaid, may order the costs and expenses of any relating to the petitions, orders, directions, conveyances, and transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the lands or stock or the rents or dividends in respect of which the same respectively shall be made, in such manner as the said court or lord chancellor shall think proper

Extent of powers given to the Court of Chancery in England.

36. * * * *[1] the powers and authorities given by this Act to the Court of Chancery in England shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty, except Scotland

37 [*Rep as to U K 37 & 38 Vict, c 35 (S L R) Omitted as being inapplicable to India*]

Powers given to courts in England may be exercised by courts in Ireland

38.[2] * * * *[1] the powers and authorities given by this Act to the Courts of Chancery and Exchequer in England shall and may be exercised in like manner, and are hereby given, to the Courts of Chancery and Exchequer in Ireland, with respect to land and stock in Ireland

39 [*Rep as to U K 37 & 38 Vict, c 35 (S L R) Omitted as being inapplicable to India*]

40 to 42 [*Rep as to U K 37 & 38 Vict, c 91 (S L R) Omitted as being inapplicable to India*]

43 [*Rep as to U K 37 & 38 Vict, c 35 (S L R) Omitted as being inapplicable to India*]

[illegible]

44. * * * *[1] this Act shall be and is hereby declared to be a full and complete indemnity and discharge to [3]* * * * * the Bank of England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto;

and [1] * * such acts and things shall not be questioned or impeached in any court of law or equity to their prejudice or detriment

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[1] Enacting words and the word "*that*" in s. 44 were repealed (U K) [illegible] Vict, c 57 (S L R)

[2] S 38 is repealed, so far as it relates to the Court of Exchequer [illegible] 37 & 38 Vict, c 35 (S L R)

[3] The words "the governor and company of" were repealed (U K) [illegible] c 67 (S L R)

THE COLONIAL OFFICES ACT, 1830

(1 Will. 4, c. 4.)

*An Act * * *[1] to extend the period within which the Patents of Governors of colonies shall on any future Demise of the Crown become vacant, and to provide for the longer Duration of the Patents of Governors after the Demise of the Crown*

[*23rd December, 1830.*]

[*Preamble Rep (U K) 51 & 52 Vict., c 57 (S L R)*]

1. [*Rep as to U K. 37 & 38 Vict, c 35 (S L R) Omitted as being spent*]

Patents, etc, for exercise of offices abroad shall not thereafter determine until eighteen months after demise of the Crown

2 * * * *[1] no patent, commission, warrant, or other authority, for the exercise of any office or employment, civil or military, within any of his Majesty's plantations or possessions abroad, determinable at the pleasure of his Majesty, or of any of his Majesty's heirs and successors, shall, by reason of any future demise of the Crown, be vacated or become void until the expiration of eighteen calendar months next after any such demise of the Crown as aforesaid

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THE EVIDENCE ON COMMISSION ACT, 1831 [2]

(1 Will 4, c 22)

An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise

[*30th March, 1831*]

WHEREAS great difficulties and delays are often experienced, and sometimes a failure of justice takes place, in actions depending in courts of law, by reason of the want of a competent power and authority in the said courts to order and enforce the examination of witnesses, when the same may be required, before the trial of a cause

13 Geo 3, c 63

and whereas by an Act passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled "An Act for the establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," certain

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[1] Words repealed (U K) by 51 & 52 Vict, c 57 (S L R), have been omitted
[2] Extended to suits and proceedings on the Revenue side of the Court of Exchequer by 22 & 23 Vict, c 21, s 16 [Rep 55 & 56 Vict, c 19 (S L R)]

powers are given and provisions made for the examination of witnesses in India in the cases therein mentioned

and it is expedient to extend such powers and provisions ·

Powers of the recited Act, as to the examination of witnesses in India, extended to the colonies, etc, and to all actions in the courts at Westminster, when examination by commission shall appear necessary

1. * * * *[1] all and every the powers, authorities, provisions, and matters contained in the said recited Act, relating to the examination of witnesses in India, shall be and the same are hereby extended to all colonies, islands, plantations, and places under the dominion of his Majesty in foreign parts, and to the judges of the several courts therein, and to all actions depending in any of his Majesty's courts of law at Westminster, in what place or country soever the cause of action may have arisen, and whether the same may have arisen within the jurisdiction of the court to the judges whereof the writ or commission may be directed, or elsewhere, when it shall appear that the examination of witnesses under a writ or commission issued in pursuance of the authority hereby given will be necessary or conducive to the due administration of justice in the matter wherein such writ shall be applied for

Judges to whom the commission is directed empowered to enforce the attendance of witnesses

2. * * * *[1] when any writ or commission shall issue under the authority of the said recited Act, or of the power herein-before given by this Act, the judge or judges to whom the same shall be directed shall have the like power to compel and enforce the attendance and examination of witnesses as the court whereof they are judges does or may possess for that purpose in suits or causes depending in such court

3 to 5 [*Rep as to U. K 46 & 47 Vict , c 49, s 3, but see s 7 Omitted as being obsolete or inapplicable to India*]

Prisoners may be removed by habeas corpus for examination.

6. * * * *[2] it shall be lawful for any sheriff, gaoler, or other officer, having the custody of any prisoner, to take such prisoner for examination under the authority of this Act, by virtue of a writ of habeas corpus to be issued for that purpose, which writ shall and may be issued by any court or judge under such circumstances and in such manner as such court or judge may now by law issue the writ commonly called a writ of habeas corpus adtestificandum.

Examination of witnesses to be taken upon oath or affirmation

7. * * * *[2] it shall be lawful for all and every person authorized to take the examination of witnesses by any rule, order, writ or commission made or issued in pursuance of this Act, and he and they are hereby authorized and required, to take all such examinations upon the oath of the witnesses, or affirmation in cases where affirmation is allowed by law instead of oath to be administered by the person so authorized, or by any judge of the court wherein the action shall be depending,

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[1] Introductory and enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R), and 55 & 56 Vict , c 19 (S L R)

[2] Words repealed (U K) by 51 & 52 Vict , c. 57 (S L. R), and 53 & 54 Vict , c 51 (S L R), have been omitted.

Persons giving false evidence to be deemed guilty of perjury

and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall and may be indicted and prosecuted for such offence in the county wherein such evidence shall be given, or in the county of Middlesex if the evidence be given out of England

8 to 11 *[Rep as to U K 46 & 47 Vict, c 49, s 3, but see s 7. Omitted as being obsolete or inapplicable to India]*

THE ARMY PRIZE MONEY ACT, 1832.

(2 & 3 Will. 4, c. 53.)

An Act for consolidating and amending the Laws relating to the Payment of Prize Money

[23rd June, 1832]

[Preamble Rep (U K) 53 and 54 Vict, c 51 (S L R)]

1 *[Rep as to U K 37 & 38 Vict, c 35 (S L R) Omitted as being spent]*

captures after do by the rmy, etc, shall be disposed of as his Majesty shall direct

2. * * * *[1] in all captures which shall be made by his Majesty's army, royal artillery, provincial, black, and all other troops in the pay or service of his Majesty, or belonging to his Majesty, but in the pay of the United Company of Merchants trading to the East Indies, or howsoever otherwise paid, of any fortress or possession of his Majesty's enemies, or of any ship or vessel in any road, river, haven, or creek belonging to such fortress or possession, and in all captures, expeditions, or actions from which prize money, bounty money, or grant shall arise, the commanders and other officers and soldiers engaged therein shall have such right and interest as his Majesty shall think fit to order in all the arms, ammunition, stores of war, goods, merchandize, booty, prize and treasure belonging to the state, or to any public trading company of such enemies, which shall be found in such fortress or possession or captured in or granted for any such expedition or action, to be divided in such proportions and according to such general rule of distribution for the army, as shall be established by his Majesty, or in default thereof in such manner as his Majesty shall under his sign manual be pleased to direct

* * * * * * * * *[2]

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[1] Words repealed (U K) by 51 & 52 Vict, c 57 (S L R), and 53 & 54 Vict, c. 51 (S L R), have been omitted

[2] Sections 3 to 28 have been omitted as being apparently inapplicable to India

29. * * * *[1] in all conjunct expeditions of his Majesty's land and naval forces, from and after the adjudication of all and every ship or vessel, with their arms, ammunition, tackle, apparel, and furniture, and all the goods, merchandize, and other effects on board the same, and of every other matter or thing subject to such adjudication which shall be captured in any road, haven, river, or creek belonging to such fortress or possession, or otherwise, as lawful prize to his Majesty, in any of his Majesty's courts of admiralty or vice-admiralty which shall be duly authorized to take cognizance of the same, and which courts are hereby required to proceed therein to lawful adjudication, the share and proportion of his Majesty's army, royal artillery, provincial, black, and other troops in the pay of or belonging to his Majesty or in the pay of the United Company of Merchants trading to the East Indies, shall, as soon as such shares shall be ascertained, be paid over to the treasurer of Chelsea Hospital, in order that the same may be distributed, subject to the provisions, penalties, rules, remedies, and regulations of this Act

In all conjunct expeditions, after adjudication by a court of admiralty, the shares of the army, as soon as ascertained, to be paid over to the treasurer of Chelsea Hospital for distribution

* * * * * * * * *[2]

THE DRAMATIC COPYRIGHT ACT, 1833

(3 & 4 Will. 4, c. 15)

An Act to amend the Laws relating to Dramatic Literary Property

[*10th June, 1833*]

[*Preamble recites 54 Geo 3, c 156, s 4 Rep (U K) 53 & 54 Vict, c 51 (S L R)*]

1 The author of any tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment, composed and not printed and published by the author thereof or his assignee, or which hereafter shall be composed and not printed or published by the author thereof or his assignee, or the assignee of such author, shall have as his own property the sole liberty of representing, or causing to be represented, at any place or places of dramatic entertainment whatsoever, in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey, and Guernsey, or in any part of the British dominions, any such production as aforesaid, not printed and published by the author thereof or his assignee, and shall be deemed and taken to be the proprietor thereof,

The author of any dramatic piece or his assignee shall have as his property the sole liberty of representing it when not published,

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[1] Words repealed (U K) by 51 & 52 Vict, c. 57 (S L R), and 53 & 54 Vict, c 51 (S L R), have been omitted

[2] The remaining provisions have been omitted as being apparently inapplicable to India

and after publication for 28 years or during author's life

and [1]* * the author of any such production, printed and published within ten years before the passing of this Act by the author thereof or his assignee, or which shall hereafter be so printed and published, or the assignee of such author, shall, from the time of passing this Act, or from the time of such publication respectively, until the end of twenty-eight years from the day of such first publication of the same, and also, if the author or authors, or the survivor of the authors, shall be living at the end of that period, during the residue of his natural life, have as his own property the sole liberty of representing, or causing to be represented, the same at any such place of dramatic entertainment as aforesaid, and shall be deemed and taken to be the proprietor thereof

Proviso as to cases where, previously to the passing of this Act, consent has been given to such representation

Provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the right or authority of any person to represent or cause to be represented, at any place or places of dramatic entertainment whatsoever, any such production as aforesaid, in all cases in which the author thereof or his assignee shall, previously to the passing of this Act, have given his consent to or authorized such representation, but that such sole liberty of the author or his assignee shall be subject to such right or authority

Penalty on persons representing pieces contrary to this Act

2. * * * *[2] if any person shall, during the continuance of such sole liberty as aforesaid, contrary to the intent of this Act or right of the author or his assignee, represent, or cause to be represented, without the consent in writing of the author or other proprietor first had and obtained, at any place of dramatic entertainment within the limits aforesaid, any such production as aforesaid, or any part thereof, every such offender shall be liable for each and every such representation to the payment of an amount not less than forty shillings,[3] or to the full amount of the benefit or advantage arising from such representation, or the injury or loss sustained by the plaintiff therefrom, whichever shall be the greater damages, to the author or other proprietor of such production so represented contrary to the true intent and meaning of this Act, to be recovered, together with double costs of suit, by such author, or other proprietors, in any court having jurisdiction in such cases in that part of the said United Kingdom or of the British dominions in which the offence shall be committed,

and in every such proceeding where the sole liberty of such author or his assignee as aforesaid shall be subject to such right or authority as aforesaid, it shall be sufficient for the plaintiff to state that he has such sole liberty, without stating the same to be subject to such right or authority, or otherwise mentioning the same ,

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[1] The word " that " was repealed (U K) by 53 & 54 Vict , c 51 (S L R)

[2] Enacting words repealed (U. K), 51 & 52 Vict , c 57 (S L R.)

[3] As to minimum penalty and costs, see 51 & 52 Vict , c 17, ss 1, 2.

3. Provided nevertheless * * * *[1] that all actions or proceedings for any offence or injury that shall be committed against this Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of no effect. Limitation of actions

4. * * * *[1] whenever authors, persons, offenders, or others are spoken of in this Act in the singular number or in the masculine gender, the same shall extend to any number of persons and to either sex Explanation of words

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The Judicial Committee Act, 1833

(3 & 4 Will. 4, c. 41.)

An Act for the better Administration of Justice in His Majesty's Privy Council.

[14th August, 1833.]

[*Preamble. Rep (U K) 53 & 54 Vict , c 33 (S L. R)*]

1 [2]* * * * The president for the time being of his Majesty's privy council [3]* * * * and such of the members of his Majesty's privy council as shall from time to time hold any of the offices following, that is to say, of the office of lord keeper or first lord commissioner of the great seal of Great Britain, [3]* * * * * * * and also all persons members of his Majesty's privy council, who shall have been president thereof * * * *[3] or shall have held any of the other offices hereinbefore mentioned, shall form a committee of his Majesty's said privy council and shall be styled "The Judicial Committee of the Privy Council" Certain members of privy council to form a committee to be styled "The Judicial Committee of the Privy Council"

Provided nevertheless that it shall be lawful for his Majesty from time to time, as and when he shall think fit by his sign manual, to appoint any two other persons, being privy councillors, to be members of the said committee [4]

2. [*Rep 53 & 54 Vict , c 27, s 18*]

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S. L. R.)

[2] Words repealed (U K) by 53 & 54 Vict , c 33 (S L. R.), have been omitted.

[3] Words repealed (U K) by 51 & 52 Vict , c 57 (S L. R.) and 57 & 58 Vict , c. 25 (S L R), have been omitted

[4] Amended by 50 & 51 Vict , c. 70, s 3

Appeals to King in council from sentence of any judge, etc., shall be referred to the committee, to report thereon

3. * * * *[1] all appeals or complaints in the nature of appeals whatever, which either by virtue of this Act, or of any law, statute, or custom, may be brought before his Majesty or his Majesty in council from or in respect of the determination, sentence, rule, or order of any court, judge, or judicial officer, and all such appeals as are now pending and unheard shall from and after the passing of this Act be referred by his Majesty to the said judicial committee of his privy council, and such appeals, causes, and matters shall be heard by the said judicial committee, and a report or recommendation thereon shall be made to his Majesty in council for his decision thereon as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by his Majesty to the whole of his privy council or a committee thereof (the nature of such report or recommendation being always stated in open court)

His Majesty may refer any other matters to the committee

4. * * * *[1] it shall be lawful for his Majesty to refer to the said judicial committee for hearing or consideration any such other matters whatsoever as his Majesty shall think fit,

and such committee shall thereupon hear or consider the same and shall advise his Majesty thereon in manner aforesaid.

No report to be made unless with concurrence of majority present

5. [1]* * * *[2] no report or recommendation shall be made to his Majesty unless a majority of the members of such judicial committee present at the hearing shall concur in such report or recommendation

Other members of council may be summoned to attend

Provided always, that nothing herein contained shall prevent his Majesty, if he shall think fit, from summoning any other of the members of his said privy council to attend the meetings of the said committee

If his Majesty directs the attendance of any member who is a judge, the other judges of the court to which he belongs shall arrange with regard to the business of the court

6. * * * *[1] in case his Majesty shall be pleased, by directions under his sign manual, to require the attendance at the said committee for the purposes of this Act of any member or members of the said privy council who shall be a judge or judges of the Court of King's Bench or of the Court of Common Pleas, or of the Court of Exchequer, such arrangements for dispensing with the attendance of such judge or judges upon his or their ordinary duties during the time of such attendance at the privy council as aforesaid shall be made by the judges of the court or courts to which such judge or judges shall belong respectively in regard to the business of the court, and by the judges of the said three courts, or by any eight or more of such judges, including the chiefs of the several courts, in regard to all other duties, as may be necessary and consistent with the public service

Committee may take evidence *viva voce*, or upon written depositions

7. * * * *[1] it shall be lawful for the said judicial committee, in any matter which shall be referred to such committee, to examine witnesses by word of mouth (and either before or after examina-

[1] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)
[2] Portion repealed by 14 & 15 Vict, c 83, s 16 (*post*), has been omitted

tion by deposition), or to direct that the depositions of any witness shall be taken in writing by the registrar of the said privy council to be appointed by his Majesty as herein-after mentioned, or by such other person or persons, and in such manner, order, and course, as his Majesty in council or the said judicial committee shall appoint and direct,

and the said registrar and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the High Court of Chancery or of any court ecclesiastical

8. * * * *[1] in any matter which shall come before the said judicial committee it shall be lawful for the said committee to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter,

Committee may order any particular witnesses to be examined, and as to any particular facts, and may remit causes for rehearing

and it shall also be lawful for his Majesty in council, on the recommendation of the said committee, upon any appeal, to remit the matter which shall be the subject of such appeal to the court from the decision of which such appeal shall have been made, and at the same time to direct that such court shall rehear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence though before rejected, or reject such evidence before admitted, as his Majesty in council shall direct;

and further, on any such remitting or otherwise, it shall be lawful for his Majesty in council to direct that one or more feigned issue or issues shall be tried in any court in any of his Majesty's dominions abroad, for any purpose for which such issue or issues shall to his Majesty in council seem proper

9. * * * *[1] every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or if a Quaker or Moravian upon solemn affirmation, which oath and affirmation respectively shall be administered by the said judicial committee and registrar, and by such other person or persons as his Majesty in council or the said judicial committee shall appoint,

Witnesses to be examined on oath, and to be liable to punishment for perjury

and every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury, and shall be punished accordingly

10. * * * *[1] it shall be lawful for the said judicial committee to direct one or more feigned issue or issues to be tried in any court of common law, and either at bar, before a judge of assize, or at the sittings for the trial of issues in London or Middlesex, and either by a special or common jury, in like manner and for the same purpose as is now done by the High Court of Chancery

Committee may direct feigned issues,

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[1] Enacting words repealed (U K.), 51 & 52 Vict, c. 57 (S L R)

and may, in certain cases, direct depositions to be read, etc, at the trial of the issue,

11. * * * *[1] it shall be in the discretion of the said judicial committee to direct that, on the trial of any such issue, the depositions already taken of any witness who shall have died, or who shall be incapable to give oral testimony, shall be received in evidence, and further, that such deeds, evidences, and writing shall be produced, and that such facts shall be admitted, as to the said committee shall seem fit.

and may make orders as to the admission of witnesses,

12. * * * *[1] it shall be lawful for the said judicial committee to make such and the like orders respecting the admission of persons, whether parties or others, to be examined as witnesses upon the trial of any such issues as aforesaid, as the lord high chancellor or the Court of Chancery has been used to make respecting the admission of witnesses upon the trial of issues directed by the lord chancellor or the Court of Chancery.

and may direct new trials of issues

13 * * * *[1] it shall be lawful for the said judicial committee to direct one or more new trial or new trials of any issue, either generally or upon certain points only,

and in case any witness examined at a former trial of the same issue shall have died, or have, through bodily or mental disease or infirmity, become incapable to repeat his testimony, it shall be lawful for the said committee to direct that parol evidence of the testimony of such witness shall be received.

14. And whereas by an Act passed in the thirteenth year of his late Majesty King George the Third, and intituled "An Act for establishing certain regulations for the better management of the affairs of the East India Company as well in India as in Europe" and by an Act passed in the first year of the reign of his present Majesty and intituled "An Act to enable the courts of law to order the examination of witnesses upon interrogatories and otherwise" certain powers are given to certain courts therein mentioned to enforce, and provisions are made for the examination of witnesses by commission upon interrogatories and otherwise

Powers of 13 Geo 3, c 63, and 1 Will 4, c. 22, shall extend to the judicial committee

Be it therefore further enacted, that all the powers and provisions contained in the two last-mentioned Acts or either of them shall extend to and be exercised by the said judicial committee in all respects as if such committee had been therein named as one of his Majesty's courts of law at Westminster

Costs to be in the discretion of the committee

15. * * * *[1] the costs incurred in the prosecution of any appeal or matter referred to the said judicial committee, and of such issues as the same committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid registrar or such other person or persons to be appointed by his

[1] Enacting words repealed (U K.), 51 & 52 Vict, c 57 (S L R)

Majesty in council or the said judicial committee, and in such manner as the said committee shall direct

16. * * * *[1] the orders or decrees of his Majesty in council made in pursuance of any recommendation of the said judicial committee, in any matter of appeal from the judgment or order of any court or judge, shall be enrolled for safe custody in such manner, and the same may be inspected and copies thereof taken under such regulations, as his Majesty in council shall direct

Decrees to be enrolled

17. * * * *[1] it shall be lawful for the said committee to refer any matters to be examined and reported on to the aforesaid registrar, or to such other person or persons as shall be appointed by his Majesty in council, or by the said judicial committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a master of the said court;

and for the purposes of this Act the said registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a master in Chancery

Committee may refer matters to registrar in the same manner as matters are by the Court of Chancery referred to a master

18. * * * *[1] it shall be lawful for his Majesty, under his sign manual, to appoint any person to be the registrar of the said privy council, as regards the purposes of this Act, and to direct what duties shall be performed by the said registrar

His Majesty may appoint registrar

19 * * * *[1] it shall be lawful for the president for the time being of the said privy council to require the attendance of any witnesses, and the production of any deeds, evidences, or writings by writ to be issued by such president in such and the same form or as nearly as may be, as that in which a writ of subpœna adtestificandum or of subpœna duces tecum is now issued by his Majesty's Court of King's Bench at Westminster,

and every person disobeying any such writ so to be issued by the said president shall be considered as in contempt of the said judicial committee, and shall also be liable to such and the same penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said court

Attendance of witnesses, and production of papers, etc, may be compelled by subpœna.

20 * * * *[1] all appeals to his Majesty in council shall be made within such times respectively within which the same may now be made, where such time shall be fixed by any law or usage, and where no such law or usage shall exist, then within such time as shall be ordered by his Majesty in council,

and subject to any right subsisting under any charter or constitution of any colony or plantation, it shall be lawful for his Majesty in council to alter any usage as to the time of making appeals, and to make any order respecting the time of appealing to his Majesty in council

Time of appealing

[1] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)

Decrees on appeals from courts abroad to be carried into effect as the King in council shall direct

21. * * * *[1] the order or decree of his Majesty in council on any appeal from the order, sentence, or decree of any court of justice in the East Indies, or of any colony, plantation, or other his Majesty's dominions abroad, shall be carried into effect in such manner, and subject to such limitations and conditions, as his Majesty in council shall, on the recommendation of the said judicial committee, direct,

and it shall be lawful for his Majesty in council, on such recommendation, by order to direct that such court of justice shall carry the same into effect accordingly, and thereupon such court of justice shall have the same powers of carrying into effect and enforcing such order or decree as are possessed by or are hereby given to his Majesty in council

Saving of powers, etc, of privy council, except as hereby altered

Provided always that nothing in this Act contained shall impeach or abridge the powers, jurisdiction, or authority of his Majesty's privy council as heretofore exercised by such council, or in anywise alter the constitution or duties of the said privy council, except so far as the same are expressly altered by this Act, and for the purposes aforesaid

22. [*Rep as to U K 24 & 25 Vict, c 101 (S L R) Omitted as being inapplicable to India*]

Orders made on such appeals to have effect notwithstanding death of parties, etc

23 * * * *[1] in any case where any order shall have been made on any such appeal as last aforesaid, the same shall have full force and effect notwithstanding the death of any of the parties interested therein,

but in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute, before the hearing thereof, then the determination of his Majesty in council in respect of such appeal shall have no effect

His Majesty may make orders for regulating the mode, etc, of appeals.

24 * * * *[1] it shall be lawful for his Majesty in council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the said courts of Sudder Dewanny Adawlut, or any other courts of judicature in India or elsewhere to the eastward of the Cape of Good Hope from the decisions of which an appeal lies to his Majesty in council, and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expenses attending the said appeals, and as to the amount or value of the property in respect of which any such appeal may be made

25 to 27 [*Rep as to U K 24 & 25 Vict, c 101 (S L R) Omitted as being inapplicable to India*]

Power of enforcing decrees

28. * * * *[1] the said judicial committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and * *[2] his Majesty in council shall have and enjoy in all respects such and the same powers of enforcing

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[1] Enacting words repealed (U K.), 51 & 52 Vict, c. 57 (S L R)
[2] The word "that" was repealed (U K.) by 51 & 52 Vict, c 57 (S L R)

judgments, decrees, and orders as are now exercised by the High Court of Chancery or the Court of King's Bench (and both in personam and in rem), * * * * * * *[1]

29. [*Rep as to U K 38 & 39 Vict , c 66 (S. L R.). Omitted as being inapplicable to India*]

Two retired Indian or colonial judges attending the judicial committee shall receive an allowance.

30. * * * *[2] two members of his Majesty's privy council who shall have held the office of judge in the East Indies or any of his Majesty's dominions beyond the seas and who, being appointed for that purpose by his Majesty, shall attend the sittings of the judicial committee of the privy council, shall severally be entitled to receive over and above any annuity granted to them in respect of having held such office as aforesaid, the sum of four hundred pounds for every year during which they shall so attend as aforesaid as an indemnity for the expense which they may thereby incur,

and such sum of four hundred pounds shall be chargeable upon and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland

The British territories in India to remain under the government of the company till 30th April, 1854

1. * * * * * *[1] The territorial acquisitions and revenues mentioned or referred to in the said Act of the fifty-third year of his late Majesty King George the Third, together with the port and island of Bombay and all other territories now in the possession and under the government of the said company except the island of St Helena, shall remain and continue under such government until the thirtieth day of April one thousand eight hundred and fifty-four,

Real and personal property of the company to be held in trust for the Crown, for the service of India

and [2]* * all the lands and hereditaments, revenues, rents, and profits of the said company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said island of St Helena and the stores and property thereon herein-after mentioned, subject to the debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said company shall be seised or possessed of or entitled unto on the [3]* * twenty-second day of April one thousand eight hundred and thirty-four shall remain and be vested in, and be held, received, and exercised respectively according to the nature and quality, estate and interest of and in the same respectively, by the said company, in trust for his Majesty, [4]* * * * for the service of the government of India, discharged of all claims of the said company to any profit or advantage therefrom to their own use, except the dividend on their capital stock secured to them as herein-after is mentioned, subject to such powers and authorities for the superintendence, direction and control over the acts, operations, and concerns of the said company as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act

All privileges, powers, etc, granted by 53 Geo 3, c 155, for the term thereby limited,

and all enactments not repugnant to this Act,

as also all rights and immunities of the company,

2 * * * *[5] all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suits, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever granted to or continued in the said united company by the said Act of the fifty-third year of King George the Third for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever which are limited or may be construed to be limited to continue for and during the term granted to the said company by the said Act of the fifty-third year of King George the Third so far as the same or any of them are in force, and not repealed by or repugnant to the enactments herein-after contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said united company now have, shall continue and be in force, and

[1] Words repealed by 53 & 54 Vict c 33 (S L R), have been omitted

[2], [3], [4] The words "that," "said" and "his heirs and successors" were repealed by 53 & 54 Vict, c 33 (S L R)

[5] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R.)

may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction and control herein-before mentioned until the thirtieth day of April one thousand eight hundred and fifty-four

to be in force till 30th April, 1854, subject to control

3 to 18 [*Rep 37 & 38 Vict , c 35 (S L R)*]

19. [*Rep 53 & 54 Vict , c 33 (S L R)*]

20 to 24. [*Rep 37 & 38 Vict , c 35 (S L R)*]

25 * * * *[1] the said board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said company which in anywise relate to or concern the government or revenues of the said territories or the property hereby vested in the said company in trust as aforesaid and all grants of salaries, gratuities and allowances and all other payments and charges whatever out of or upon the said revenues and property respectively, except as herein-after is mentioned

The board of commissioners to control all acts of the company concerning India, etc

26 to 35 [*Rep 37 & 38 Vict , c 35 (S L R)*]

36 Provided also * * * *[1] that if the said board shall be of opinion that the subject-matter of any of their deliberations concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, or with any other princes or states, or touching the policy to be observed with respect to such princes or states intended to be communicated in orders, dispatches, official letters or communications, to any of the governments or presidencies in India, or to any officers or servants of the said company shall be of a nature to require secrecy, it shall and may be lawful for the said board to send their orders, dispatches, official letters or communications, to the secret committee of the said court of directors to be appointed as is by this Act directed, who shall thereupon without disclosing the same transmit the same according to the tenor thereof or pursuant to the directions of the said board to the respective governments and presidencies, officers and servants,

If the board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the board may send official communications through secret committee

and that the said governments and presidencies, officers and servants shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said court of directors

37 [*Rep 37 & 38 Vict , c 35 (S L R)*]

38[2] * * * *[1] the territories now subject to the government of the presidency of Fort William in Bengal shall be divided

Presidency of Fort William in Bengal to

[1] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R)

[2] The operation of this section as to the presidency of Agra is suspended 5 & 6 Will 4, c 52, 16 & 17 Vict , c 95, s 15

be divided into two presidencies.

into two distinct presidencies, one of such presidencies in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William in Bengal, and the other of such presidencies to be styled the Presidency of Agra,

The court of directors to declare the limits from time to time of the several presidencies

and it shall be lawful for the said court of directors under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories under the government of the said company shall from time to time be subject to the government of each of the several presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient

Government of India vested in governor general and counsellors.

39 * * * *[1] the superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in a governor general and counsellors, to be styled "The Governor General of India in Council"

40 [*Rep 24 & 25 Vict, c 67, s 2*]

41 and 42 [*Rep 37 & 38 Vict, c 35 (S L R)*]

43 and 44. [*Rep 24 & 25 Vict, c 67, s 2*]

All such laws and regulations to be of the same force as any Act of Parliament

45 Provided also * * * *[1] that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories and shall be taken notice of by all courts of justice whatsoever within the same territories in the same manner as any public Act of Parliament would and ought to be taken notice of,

Registration unnecessary

and it shall not be necessary to register or publish in any court of justice any laws or regulations made by the said governor general in council

Restriction as to giving the power of punishing with death European subjects, etc

46 Provided also * * * *[1] that it shall not be lawful for the said governor general in council, without the previous sanction of the said court of directors, to make any law or regulation whereby power shall be given to any courts of justice, other than the courts of justice established by his Majesty's charters, to sentence to the punishment of death any of his Majesty's natural-born subjects born in Europe, or the children of such subjects, or which shall abolish any of the courts of justice established by his Majesty's charters

The court of directors to submit to the board rules for the procedure of the

47 * * * *[1] the said court of directors shall forthwith submit for the approbation of the said board, such rules as they shall deem expedient for the procedure of the governor general in council in the discharge and exercise of all powers, functions, and duties imposed on

[1] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)

or vested in him by virtue of this Act or to be imposed or vested in him by any other Act or Acts, which rules shall prescribe the modes of promulgation of any laws or regulations to be made by the said governor general in council and of the authentication of all acts and proceedings whatsoever of the said governor general in council, governor general in council, etc

and such rules when approved by the said board of commissioners shall be of the same force as if they had been inserted in this Act

Provided always that such rules shall be laid before both Houses of Parliament in the session next after the approval thereof

48 Provided always [1]* * * *[2] that all other functions of the said governor general in council may be exercised by the said governor general and one or more ordinary member or members of council, and that in every case of difference of opinion at meetings of the said council where there shall be an equality of voices, the said governor general shall have two votes or the casting vote Quorum of governor general and members in council

49. [*Rep 33 & 34 Vict, c 3, s 4*]

50. [*Rep 24 & 25 Vict, c 67, s 2*]

51 Provided always * * * *[1] that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof, Nothing in this Act to affect the right of Parliament to legislate for India, etc

and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said governor general in council, and to repeal and alter at any time any law or regulation whatsoever made by the said governor general in council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed,

and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said governor general in council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India Laws and regulations made by governor general in council to be laid before Parliament

52 * * * *[1] all enactments, provisions, matters, and things relating to the governor general of Fort William in Bengal in council, and the governor general of Fort William in Bengal alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this Act, shall continue and be in force and be applicable to the governor general of India in council, and to the governor general of India alone, respectively. All enactments relating to governor general of Fort William shall apply to governor general of India in council and alone

[1] Enacting words repealed (U K), 51 & 52 Vict c 57 (S L R)

[2] The words "that all laws and regulations shall be made at some meeting of the council at which the said governor general and at least three of the ordinary members of council shall be assembled, and" were repealed by 53 & 54 Vict., c. 33 (S L R)

53 to 55. [*Rep 37 § 38 Vict , c 35 (S L R)*]

The executive government of the presidencies to be administered by a governor and three councillors

56 * * * *[1] the executive government of each of the several presidencies of the Fort William in Bengal, Fort Saint George, Bombay, and Agra shall be administered by a governor and three councillors, to be styled "The Governor in Council of the said Presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively",

and the said governor and councillors respectively of each such presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings, as the governors in council of the presidencies of Fort Saint George and Bombay now have and observe, * * * * * * * * *[2]

Directors may revoke the appointment of councils, or reduce the number of councillors

57. Provided always * * * *[1] that it shall and may be lawful for the said court of directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said court shall in that behalf direct, the appointment of councils in all or any of the said presidencies, or to reduce the number of councillors in all or any of the said councils,

and during such time as a council shall not be appointed in any such presidencies the executive government thereof shall be administered by a governor alone

58. [*Rep 37 § 38 Vict , c 35 (S L R)*]

The governors of the presidencies to have the powers and immunities of the present governors of Madras and Bombay, but not to make or suspend laws or create officers, etc

59. * * * *[1] in the presidencies in which the appointment of a council shall be suspended under the provision herein-before contained, and during such time as councils shall not be appointed therein respectively, the governors appointed under this Act, and in the presidencies in which councils shall from time to time be appointed, the said governors in their respective councils shall have all the rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the governors of Fort Saint George and Bombay in their respective councils now have within their respective presidencies;

and the governors and members of council of presidencies appointed by or under this Act shall severally have all the rights, powers, and immunities respectively, not in anywise repugnant to this Act, which the governors and members of council of the presidencies of Fort Saint George and Bombay respectively now have in their respective presidencies

Provided that no governor or governor in council shall have the power of making or suspending any regulations or laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such governor or governor in council), and then only until the

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R)
[2] Rest of the section was repealed by 37 & 38 Vict., c 35 (S L R).

decision of the governor general of India in council shall be signified thereon,

and provided also, that no governor or governor in council shall have the power of creating any new office, or granting any salary, gratuity, or allowance, without the previous sanction of the governor general of India in council

60. [*Rep 37 & 38 Vict, c 35 (S L R)*]

61. [1]* * * *[2] it shall be lawful for the said court of directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India with intent to return to Europe, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke

Power for the court to make provisional appointments to any offices

Provided that every provisional appointment to the several offices of governor general of India, governor of a presidency, and the member of council of India by this Act directed to be appointed from amongst persons who shall not be servants of the said company, shall be subject to the approbation of his Majesty, to be signified as aforesaid, but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office

Provisional appointments of certain officers to be approved by his Majesty

62. * * * *[2] if any vacancy shall happen in the office of governor general of India when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case [3]the ordinary member of council next in rank to the said governor general shall hold and execute the said office of governor general of India [4]* * * * * until a successor shall arrive or until some other person on the spot shall be duly appointed thereto,

and every such acting governor general shall, during the time of his continuing to act as such, have and exercise all the rights and powers of governor general of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting governor general foregoing his salary and allowance of a member of council for the same period

In case of vacancy in the office of governor general, and no successor upon the spot, the ordinary member of council next in rank to act as governor general.

63. * * * *[2] if any vacancy shall happen in the office of governor of Fort Saint George, Bombay, or Agra, when no provisional

Provision in case of a vacancy in the office

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[1] So much of s 61 as relates to vacancies in the office of Ordinary Member of the Council of India was repealed by 24 & 25 Vict, c 67, s 2

[2] Enacting words repealed (U K.), 51 & 52 Vict, c 57 (S L R)

[3] The Vice President appointed under 9 Edw 7, c 4, s 4, shall be deemed to be such member

[4] The words "and governor of the presidency of Fort William in Bengal" were repealed by 2 & 3 Geo 5, c 6, s 4, and Schedule, Part II

of governor of any of the subordinate presidencies and no successor on the spot

or other successor shall be upon the spot to supply such vacancy, then and in every such case, if there shall be a council in the presidency in which such vacancy shall happen, [1]the member of such council, who shall be next in rank to the governor, other than the * * *[2] officer commanding the forces of such presidency, and if there shall be no council, then the secretary of government of the said presidency who shall be senior in the said office of secretary, shall hold and execute the said office of governor until a successor shall arrive or until some other person on the spot shall be duly appointed thereto,

and every such acting governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting governor foregoing all salaries and allowances by him held and enjoyed at the time of his being called to supply such office

64 [*Rep 53 & 54 Vict , c 33 (S L R)*]

The governor general in council to have the control over the presidencies

65. * * *[3] the said governor general in council shall have and be invested by virtue of this Act with full power and authority to superintend and control the governor and governors in council of Fort William in Bengal, Fort Saint George, Bombay, and Agra, in all points relating to the civil or military administration of the said presidencies respectively, and the said governors and governors in council shall be bound to obey such orders and instructions of the said governor general in council in all cases whatsoever

66 [*Rep 24 & 25 Vict , c 67, s 2*]

Powers of governors not to be suspended by visit of governor general

67 * * *[3] when the said governor general shall visit any of the presidencies of Fort Saint George, Bombay, or Agra, the powers of the governors of those presidencies respectively shall not by reason of such visit be suspended

Communications to be transmitted by governors to governor general in council.

68 * * * *[3] the said governors and governors in council of the said presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively shall and they are hereby respectively required regularly to transmit to the said governor general in council true and exact copies of all such orders and acts of their respective governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said governor general in council as aforesaid, or as the said governor general in council shall from time to time require

69 [*Rep 53 & 54 Vict , c 33 (S L R)*]

70 [*Rep 24 & 25 Vict , c 67, s 2*]

[1] The Vice President shall be deemed to be the senior member 9 Edw 7, c 4, s 4

[2] The words "commander in chief or," which were repealed by 56 & 57 Vict , c 62, s 2, have been omitted

[3] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R)

71. [*Rep 2 & 3 Geo 5, c 6, s 4 & Sch , Part II*]

72. [*Rep 37 & 38 Vict , c 35 (S L R)*]

73. * * * *[1] it shall be lawful for the said governor general in council from time to time to make articles of war for the government of the native officers and soldiers in the military service of the company, and for the administration of justice by courts-martial to be holden on such officers and soldiers and such articles of war from time to time to repeal or vary and amend, — Articles of war to be made by governor general in council.

and such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said governor general in council under this Act, and shall prevail and be in force, and shall be of exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers may belong or wheresoever they may be serving

Provided nevertheless, that until such articles of war shall be made by the said governor general in council, any articles of war for or relating to the government of the company's native forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said territories, shall remain in force

74 * * * *[1] it shall be lawful for his Majesty, by any writing under his sign manual, * * * *[2] to remove or dismiss any person holding any office, employment or commission, civil or military, under the said company in India, and to vacate any appointment or commission of any person to any such office or employment * * *[2] — His Majesty may remove any officer of the company in India

75. Provided always * * * *[1] that nothing in this Act contained shall take away the power of the said court of directors to remove or dismiss any of the officers or servants of the said company, but that the said court shall and may at all times have full liberty to remove or dismiss any of such officers or servants at their will and pleasure * * * *[2] — The power of the directors to remove their servants preserved

76. * * * *[1] there shall be paid to the several officers herein-after named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said court of directors, with the sanction of the said board, may at any time think fit (that is to say,) — Salaries of governor general, etc

To the governor general of India, two hundred and forty thousand sicca rupees

To each ordinary member of the council of India, ninety-six thousand sicca rupees

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[1] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R.)
[2] Words repealed by 53 & 54 Vict , c 33 (S L R), have been omitted

To each governor of the presidencies of Fort Saint George, Bombay, and Agra, one hundred and twenty thousand sicca rupees

To each member of any council to be appointed in any presidency, sixty thousand sicca rupees

and the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices,

and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively,

Acceptance of gratuities, etc, a misdemeanor

and it shall be and it is hereby declared to be a misdemeanor for any such officer to accept for his own use in the discharge of his office any present, gift, donation, gratuity or reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own benefit or for the benefit of any other person or persons whatsoever, * * * * * *[1]

Governor general and governors, etc, to forego pensions, etc, from the crown or company while they hold office

77 Provided always * * * *[2] that if any governor general, governor, or ordinary member of the council of India, or any member of the council of any presidency, shall hold or enjoy any pension, salary, or any place, office, or employment of profit under the crown or any public office or the said company, or any annuity payable out of the civil or military fund of the said company, the salary of his office of governor general of India, governor or member of council, shall be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him

Directors to make regulations for the distribution of patronage in India

78 * * * *[2] the said court of directors, with the approbation of the said board of commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands and employments in the said territories, and in all or any of the presidencies thereof, among the said governor general in council, governor general, governors in council, governors, commander in chief, and other commanding officers respectively appointed or to be appointed under this Act

Departure of governor general, etc, for Europe, to be a resignation

79. * * * *[2] the return to Europe or the departure from India with intent to return to Europe of any governor general of India, governor, member of council, or commander in chief, shall be deemed in law a resignation and avoidance of his office or employment,

Resignation in India to be by deed

and no act or declaration of any governor general, or governor, or member of council, other than as aforesaid, excepting a declaration in writing under hand and seal, delivered to the secretary for the public

[1] Rest of the section was repealed by 43 Vict, c 3, s 5
[2] Enacting words repealed (U K.), 51 & 52 Vict, c 57 (S L R)

department of the presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office,

and the salary and other allowances of any such governor general or other officer respectively shall cease from the day of such his departure, resignation, or surrender, Salary to cease on departure or resignation

and if any such governor general or member of council of India shall leave the said territories, or if any governor or other officer whatever in the service of the said company shall leave the presidency to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use,

and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories, or the presidency to which he may have belonged

Provided that it shall be lawful for the said company to make such payment as is now by law permitted to be made to the representatives of their officers or servants who, having left their stations intending to return thereto, shall die during their absence Payment to representatives of officers dying during absence

80. * * * *[1] every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said court of directors by any governor general of India, governor, member of council, or commander in chief, or by any other of the officers or servants of the said company, unless in cases of necessity (the burthen of the proof of which necessity shall be on the person so disobeying or omitting, forbearing or neglecting, to execute such orders or instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment by any such governor general, governor, member of council, or commander in chief, or any of the officers or servants of the said company, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act Disobedience of orders and breach of trust by officers or servants of the company in India, misdemeanors

81 to 83 [*Rep 53 & 54 Vict, c 33 (S L R)*]

84 * * * *[1] the said governor general in council shall and he is hereby required, as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein Laws against illicit residence to be made

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[1] Enacting words repealed (U K), 51 & 52 Vict, c 57 (S L R)

85 [*Rep 53 & 54 Vict, c 33 (S L R)*]

Lands within the Indian territories may be purchased

86. * * * *[1] it shall be lawful for any natural-born subject of his Majesty authorized to reside in the said territories to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said territories as he shall be so authorized to reside in

Provided always, that nothing herein contained shall be taken to prevent the said governor general in council from enabling, by any laws or regulations, or otherwise, any subjects of his Majesty to acquire or hold any lands, or rights, interests, or profits in or out of lands, in any part of the said territories, and for any estates or terms whatever

No disability for office under the company in respect of religion, colour, etc

87 * * * *[1] no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said company

88 [*Rep as to U K 51 & 52 Vict, c 57 (S L R) Omitted as being obsolete*]

If the King erects bishopricks of Madras and Bombay, ain ries o paid to o bishops

89 [*Recital Rep 53 & 54 Vict, c 33 (S L R)*] In case it shall please his Majesty to erect, found, and constitute two bishopricks, one to be styled the bishoprick of Madras and the other the bishoprick of Bombay, and from time to time to nominate and appoint bishops to such bishopricks under the style and title of bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such bishops respectively the sum of twenty-four thousand sicca rupees by the year

Such salaries to commence from time of taking office, and to be in lieu of all fees, etc

90. * * * *[1] the said salaries shall commence from the time at which such persons as shall be appointed to the said office of bishop shall take upon them the execution of their respective offices,

and such salaries shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever,

and no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such bishop or either of them, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid,

and such bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British territories aforesaid

91. [*Rep 43 Vict, c 3, s 5*]

[illegible]

92 Provided always * * * *[1] that such bishops shall not

[1] Enacting words repealed (U K), 51 & 52 Vict, c. 57 (S L R)

have or use any jurisdiction or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty by his royal letters patent under the great seal of the said United Kingdom [1] of such bishops.

93 * * * *[2] it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his royal letters patent under the great seal of the said United Kingdom, to assign limits to the diocese of the bishoprick of Calcutta and to the dioceses of the said bishopricks of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively, as to his Majesty shall seem fit, and to grant to such bishops respectively within the limits of their respective dioceses the exercise of episcopal functions, and of such ecclesiastical jurisdiction as his Majesty shall think necessary for the superintendence and good government of the ministers of the United Church of England and Ireland therein The King may by letters patent assign limits to the dioceses, etc

94 Provided always * * * *[2] that the bishop of Calcutta for the time being shall be deemed and taken to be the metropolitan bishop in India, and as such shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as his Majesty shall by his royal letters patent under the great seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the archbishop of Canterbury for the time being, and that the bishops of Madras and Bombay for the time being respectively shall be subject to the bishop of Calcutta for the time being as such metropolitan and shall at the time of their respective appointments to such bishopricks or at the time of their respective consecrations as bishop take an oath of obedience to the said bishop of Calcutta in such manner as his Majesty by his said royal letters patent shall be pleased to direct The bishop of Calcutta to be Metropolitan in India

95 [*Rep 53 & 54 Vict , c 33 (S L R)*]

96 * * * *[2] it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual countersigned by the chancellor of the Exchequer for the time being, to grant to any such bishop of Madras or Bombay respectively who shall have exercised in the British territories aforesaid for fifteen years the office of such bishop, a pension not exceeding eight hundred pounds per annum to be paid quarterly by the said company The King may grant certain pensions to bishops of Madras and Bombay

97 * * * *[2] in all cases when it shall happen the said person nominated and appointed to be bishop of either of the said bishopricks of Madras or Bombay shall depart this life within six calendar Payments in respect of salary of a bishop of

[1] *See* 15 & 16 Vict , c 52, s 1
[2] Enacting words repealed (U K), 51 & 52 Vict , c 57 (S L R.)